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AN EXACT
ABRIDGMENT
Of all the *1607/1133*
TRIALS

(Not omitting any Material
PASSAGE therein) which
have been published since
the Year 1678 ;

Relating to the **P**opish, and pre-
tended **P**rotestant **P**lots,

In the Reigns of King *Charles* the 2d,
and King *James* the 2d.

L O N D O N,

Printed by *J. D.* for *Jonathan Robinson*
at the Golden-Lion in *St. Paul's*
Church-Yard, MDCXC.



To the Right Honourable

HENRY

L O R D B O O T H,

Baron *DE LA MER*

of *Dunham-Massy*,

Lord Lieutenant of the County-Palatine of *Chester*, one of the Lords of the *Treasury*, and one of his Majesty's most Honourable *Privy-Council*.

My Lord,

THAT I presume to present this *Abstract* to your Honour, the just Interest your

A 3

Lord-

The Epistle

Lordship hath, both in *it* and its *Author*, is sufficient *Apo-*
logy.

It must never be forgot, what good Service Your Trial (through Your own extraordinary Prudence, and courageous management thereof) did to the Publick, in stopping that Sluce of Blood which had unjustly been then opened, with a Design (which had well-nigh effected) to suffocate our *Laws*, and feed their *Tyrannical Arbitrary Power*. For 'tis evident, the *Fanatick Plot*, then, like them that made it, afterward, disserted the Stage, and

Dedicatory.

and (through your Honour's undaunted Appearance, and powerful Aid) have never since (as 'tis hoped they never will) dare to appear amongst us; the unavoidable Mischief whence otherwise would have followed, most Men now are wise enough to apprehend.

Your Lordship's Vertues indeed, have always (from a very early beginning) rendred You a no less real Friend to your Country, than a formidable Enemy to the mightiest of its Opposers: And Your generous Courage hath em-
A 4 bol-

The Epistle

bolden'd You to express it,
even with the greatest Hazard,
in the worst of Times. You
have done and suffered much
(I'me sure Your share) for
the Publick; and your Lord-
ship's last generous Essay, hath
now made all Men very sensi-
ble of it; so that your Ho-
nour's Fame needs not the Aid
of my Breath to blow it fur-
ther Abroad. Only I must
crave your Lordship's leave to
say, that I am proud of this
Occasion, to tender your Ho-
nour even so small a Testi-
mony of real Gratitude, from
one, who is a Member of a
Family

Dedictory.

Family that hath been honour'd with a long and uninterrupted Friendship of Yours; not only in Your Father's Time, but in Your *Lordship's* since.

May Your Honour go on to dazle and outshine all your Enemies, in faithfully serving the *best of Princes*, and the most *ungrateful* of Nations! May Almighty God long preserve your Person and Vertuous Family, in Grace, Health, and Prosperity! And may this your Trial, be the last that ever may entitle You to the Patronage of the like
Ab-

The Epistle, &c.

Abstraction ! is the sincere
Prayer of,

My Lord,

Your Honours most

Humble and Faithful

Servant,



P. N.

TO

TO THE
READER.

AS in these ten or eleven Years last past have happened as wonderful Passages within this our Island, as ever History mention'd; so are the Records thereof surely very valuable to the considering part of Mankind. A Collection whereof thou art here presented with, in a Volume that will spare thee both in thy Purse and Time, without defrauding thee of the least drachm of any material Information.

Here thou hast the substance of Forty nine Trials, (consisting of near seven hundred Sheets of Paper: and which bought singly, as they were published, cost five Pounds or more, (and which now would
be

To the Reader.

be difficult to collect at almost any price) carefully reduced, comparatively, to a small Bulk and Price, yet so as to preserve a perfect remembrance of Things and Persons any way materially concerned therein.

As herein was designed nothing of Reflection, so must thou expect only an Abstraction: And for the Compleatness and Sufficiency of this, I submit to thy Censure, after thou hast read what follows. I say nothing of the usefulness thereof, because none can have so little Concern for the Knowledge and Remembrance of past Transactions, as not to be aware of it. If it be well done, I am sure it cannot be ill took.



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JUNE 17.
1689.

This may be printed,

ROB. MIDGLET.

*The Trial of William Stayley Goldsmith,
at the King's-Bench-Bar, on Thurs-
day, Novemb. 21. 1678.*

HIS Indictment was, for *Treasonable Words* against his most Sacred Majesty ; for which he had been Arraigned the day before, and pleaded, *Not Guilty* ; And therefore his Jury being Impannelled, and none of them challenged by him, the same was read now to them, *viz.*

Sir Philip Matthews.
Sir Reginald Foster.
Sir John Kirke.
Sir John Cutler.
Sir Richard Blake.
John Bisfield Esq;

Simon Middleton Esq;
Thomas Cross Esq;
Henry Johnson Esq;
Charles Umphrevil Esq;
Thomas Eaglesfield Esq;
William Bohee Esq;

To this Indictment, Sir Creswel Levins, Serjeant *Maynard*, and the *Attorney General* briefly spoke. The *Attorney General* giving this Account why they chose first to bring this Man to trial, That it was to convince those who believed all Designs against the King's Person by any Papist was but a Fiction ; this Man being a Papist, and having said these words even since the discovery of the Plot.

B

And

And for the proof hereof, then appeared *William Casters*, who deposed, That on the 14th Instant, about 11 a Clock in the Day, he saw *Stayley* with another. a Frenchman, in a Victuall-ing-house, who called for a Pot of Ale, and a Slice of Roast-Beef; which when it was called for, his Landlord said it should be brought him. He was in another Room opposite to him, both the Doors being open, *Stayley* standing at one Door, and he at the other, his Face strait towards him, and within 7 or 8 foot of him; and discoursing with the French-man, he heard *Stayley* twice over. in French say, *The King was a Grand Heretick*, making his Demonstration, with his Hand upon his Breást, stamping five or six times with his Foot, in great fury.—That the old Man *Fromante*, his Friend, said, That the King of England was a Tormenter of the People of God; and that *Stayley* answered again in a great fury, *He is a great Heretick, and the greatest Rogue in the World: There's the Heart, and here's the Hand that would kill him: And the King and Parliament think all is over, but the Rogues are mistaken: Then stamping said, I would kill him my self, I would kill him my self.*

Then *Alexander Southerland* deposed that he also was there, and perfectly saw *Stayley* while he spoke those words, which presently he writ down in French, as they were spoken: And then (the Prisoner being gone) they enquired his Name, and where he lived; and the next day got him apprehended.

The third Witness was one *Philip Garret*, who not understanding French, could only depose,
That



That being with the other two, he heard *Stayley* speak : Whereupon his Captain, *William Casters*, came to him in a great passion, and said, he could not suffer it, he would run upon him, he could not be quiet.

To all which the Prisoner made but a weak Defence, relating the manner of his Apprehension, and saying, That his discourse with *Fromante* was about the King of France ; and that he said, *he would kill himself*, instead of, *I will kill him my self* ; alleadging his Loyalty, and protesting his Innocence ; and how that the Witnesses, after his apprehension, would have had him took it up.

Then the Statute of *Decimo tertio* was read ; and Sir *John Kirke* one of the Jury, who understood French, attested, that Translation of his words to be true.

Then the Prisoner's Witnesses were called, who were one *Anselm*, the Master of the Cross-Keys in *Covent-Garden*, where the Prisoner was brought when he was apprehended ; who deposed, That they kept him in his House from 8 till 11, without any Constable. — Which the Witnesses answered was, because they could get no Constable to come along with them, without a Warrant from a Justice of Peace ; and that they sent to *White-hall* and desired a Guard, but the Officer said it was the Constables part.

Another Witness appeared for the Prisoner, who testified, that he had often heard him declare much Loyalty to his Prince, and an aversion to the Jesuits, insomuch that if he knew any of the Persons concerned in this Plot, he would

be their Executioner himself; and that he would lose his Blood for the King.—But the *Ld. Ch. Justice* reply'd, That was his discourse only when he spoke to a Protestant.

Then the Prisoner having no more Witnesses, nor any thing more to say for himself, the *Ld. Ch. Justice* made a Speech to the Jury, setting forth the Treasonableness of the Words, and the manner of speaking them, and the plainness of the Proof, with great zeal against the Jesuits and their Tenants, (whom he look'd upon as the Foundations of all this Mischiefe) excusing his warmth; saying, 'Twas *better to be warm here than in Smithfield*; and that *he hoped he should never go to that Heaven, where Men are made Saints for killing Kings.*

The Jury then presently brought the Prisoner in *Guilty*; who said, he had nothing more to say; so Sentence was pronounced against him, to be *Hang'd, Drawn, and Quartered*; and the same was accordingly executed upon him at *Tyburn*, on *Tuesday* following, being *Novemb. 26.*

It was his Majesty's pleasure (because of the Prisoner's seeming Penitence, and his Relations humble Petition) to suffer his Body to have a decent & private Burial: But his Friends abusing this gracious Favour, with a publick and more than ordinary Funeral Pomp, his buried Quarters were ordered to be taken up, and to be disposed by the Common Executioner upon the Gates of the City.

*The Trial of Edward Coleman Gent. at
the King's-Bench Bar, on Wednesday,
Novemb. 27. 1678.*

HE then and there appearing (having been
Arraigned the Saturday before) his In-
dictment was read to the Jury, *viz.*

Sir Reginald Forster Bar.	Simon Middleton Esq;
Sir Charles Lee.	Henry Johnson Esq;
Edward Wilford Esq;	Charles Umfrevile Esq;
John Bathurst Esq;	Thomas Johnson Esq;
Joshua Galliard Esq;	Thomas Eaglesfield Esq;
John Bisfield Esq;	William Bohee Esq;

His Indictment was, for endeavouring to sub-
vert the *Protestant Religion*, and introduce *Popery*,
and kill the King: Whereto (he having pleaded
Not Guilty) *Mr. Recorder, Serjeant Maynard*, and
then the *Attorney General* severally spoke, open-
ing the Nature, and shewing the heighnousness
of the Crimes therein charg'd upon the Prisoner.
After which the Prisoner praying for a favorable
Trial, and professing that he had confessed all
the Truth in the Examinations that had been
made of him in Prison, and that he gave over
his Corresponding beyond-Seas in 75.

Dr. Oates was called forth, who deposed, That
in November last, he visiting one John Keins his
Father Confessor, lodging at Mr. Coleman's House
in Stable-Yard, Mr. Coleman by him understand-
ing that he was going to St. Omers, told him,
That

That he would trouble him with a Letter or two thither, and would leave them with one *Fenwick* (Procurator for the Jesuits in *London*): Which Letters he carried to *St. Omers*, being directed for the Rector there, and was at the opening of them. The out-side Sheet was a Letter of News, and in it Expressions of the King, calling him *Tyrant*; and that the Marriage between the Prince of *Orange*, and the Lady *Mary*, would prove the Traytor's and Tyrant's Ruin. In it was a Latin Letter to Father *Le-Chese*, (writ by the same Hand) giving him thanks for the 10000 *l.* which was given for the Propagation of the Catholick Religion; and that it should be employed for no other Intent and Purpose but for that which it was sent, which was, to cut off the King; which *Le-Chese's* Letter (dated in *August*, and which he both saw and read, and to which this was an Answer) positively express'd. That Letter was directed to one *Strange*, then Provincial of the Society in *London*, which Mr. *Coleman* answered, because *Strange* having run a Reed into his Finger, had wounded his Hand, and Secretary *Mico* was ill. This Letter he delivered into *Le-Chese's* own Hand, who gave him a Letter in answer to it, which he brought to *St. Omers*, and was there inclosed in the Letter from the Society to *Coleman*.

He further deposed, that in *April* last Old Stile, and *May* New Stile, there was a general Consult of the Jesuits held (by virtue of a Brief from *Rome*, sent by the Father General of the Society) first at the *White-Horse Tavern* in the *Strand*, and afterwards in several Clubs, wherein

wherein the Death of the King was Conspired, *Grove* and *Pickering* being imployed to Poison him in *St. James's Park*; for which *Grove* was to have 1500 *l.* in Mony, and *Pickering* (being a Priest) was to have 30000 Masses, which at twelve Pence a Masse amounted much-what to that Mony; to all which *Coleman* was privy, and in one Letter he writ about it, express'd his desire to have the Duke trappan'd into this Plot to murder the King.

And in case this fail'd, there was a further Design lay'd to murder the King at *Windsor* by four Irish Assassins, provided by *Dr. Fogarty*; and fourscore Pounds were provided by *Father Harcourt* (a Jesuit, and Rector of *London*) for their present Maintainance; which *Coleman* saw upon a Table in *Wild-House* where he was with *Harcourt*, and gave the Messenger, who was there ready to carry them after the Russians to *Windsor*, a Guiny for expedition, saying he lik'd it very well.

Yea, and if this also should fail, there were Instructions brought by one *Ashby* (a Jesuit) in *July* last to *London* from *Flanders*, to proffer 10000 *l.* to *Sir George Wakeman* to Poison the King; Which Instructions were seen and read by *Mr. Coleman*, by him copied out and transmitted to several Conspirators of the King's Death in this Kingdom of *England*, that were privy to this Plot. He said 10000 *l.* was too little, and therefore he procured 5000 *l.* more to be added to it; which *Sir George Wakeman* accepted of, and receiv'd 5000 *l.* in hand, with a promise of the Rest as soon as he should have done the Work.

He deposed likewise, that a Consult had been held in the *Savoy* with the Jesuits & Benedictine Monks, for the murdering of the Duke of *Ormond*, and raising a Rebellion in *Ireland* (the Pope's Right to that Kingdom being asserted) and 40000 black Bills provided to be sent thither for the use of the Catholick Party; *Coleman* being privy thereto, and the main Agent therein, being heard to say to *Fenwick*, that he had found a way to transmit the 200000 *l.* for the carrying on this Rebellion in *Ireland*.

That he saw likewise, several Commissions come from *Rome* in Mr. *Langhorn's* Chamber, among which was one for Mr. *Coleman* to be Secretary of State; the receipt of which he hath since heard him acknowledg.

The Prisoner then offer'd something against the Informant; from his telling the King, when he was examin'd before the Council, that he never saw him before; Which the Informant obviated, by confessing, that there and then he did say that he would not swear that he had seen him before, his Sight being bad by Candle-light, and being then wearied and tired out, but that when he had heard him speak he could have sworn it was he, but it was not then his Business.

The other Witness then produced against the Prisoner was Mr. *Bedloe*, Who deposed that he heard Sir *Henry Tichbourn* say, that he had a Commission, and that he brought one for Mr. *Coleman* (and the rest of the Lords, from the Principal of the Jesuits at *Rome*, by order of the Pope) to be Principal Secretary of State. And that

that he was imployed by *Harcourt* to carry Letters to *Le-Chese* (the French King's Confessor) and was at a Consult in *France*, where the Plot was discoursed on for killing the King, and did bring back an Answer from *Le-Chese* to *Harcourt* in *London*, and on the 24th or 25th of *May*, 1677. he was with *Harcourt* at *Coleman's House*, where he heard *Coleman* speak these words, That if he had a Sea of Blood, and an hundred Lives, he would lose them all to carry on the Design: And if to effect this, it were necessary to destroy an hundred Heretick Kings, he would do it. The Prisoner then asking Mr. *Bedlow*, if he ever saw him in his life: He answer'd; You may ask that question: But in the stone Gallery in *Somerset-House*, when you came from a Consult where were great Persons, which I am not to name here, that would make the bottom of your Plot tremble: You saw me then.

The Court then proceeded to other evidence, which were the Prisoners Papers; and proved the manner of finding them by Mr. *Bradley* (a Messenger) and that those, which were then produced in the Court, were his, by the Clerks of the Council, and his own Servant; Ordering them afterwards to be read.

The first Paper was a long Letter, dated *Sept.* 29. 1675, sent to *Le-Chese*; wherein he gives him an account of the Transactions of several Years before, and of the Correspondence between him and Monsieur *Ferrier*, Predecessor to *Le-Chese*; Asserting, that the true way to carry on the Interest of *France*, and the promoting of Popery here in *England*, was to get that Parliament dissolved; which (says he) had been long
finte

since effected, if 300000 *l.* could have been obtained from the *French King*. And that things yet were in such a posture, that if he had but 20000 *l.* sent him from *France*, he would be content to be a Sacrifice to the utmost Malice of his Enemies, if the Protestant Religion did not receive such a Blow as it could not subsist.

The receipt of this Letter was acknowledged by *Le-Chefe*, in an Answer he wrote to Mr. Coleman (and was then read in the Court) dated from *Paris*, October 23. 1675. wherein he gives him thanks for his good Service, and promises his Assistance, in order to the promoting the Popish Religion.

Then was produced and read, a Declaration which Mr. Coleman (as Secretary) had penned in the King's Name, shewing his Reasons for the Dissolution of the Parliament.

Then also was read a Copy of a Letter written to *Le-Chefe*, which Mr. Coleman confessed he himself wrote, and counterfeited in the Duke's Name; and that when he was so bold as to shew it to the Duke, the Duke was very angry and rejected it.

Several other Letters were read of Mr. Coleman's to *Monsieur Fenrier* and others; and particularly one dated August 21. 1674. to the Pope's Internuncio at *Brussels*, wherein he says, The Design prospered so well, that he doubted not, but in a little time, the Business would be managed to the utter Ruin of the Protestant Party. And by other Letters he writes to the French King's Confessor, that the Assistance of his most Christian Majesty is necessary, and desires

desires Mony from him to carry on the Design.

But there was one Letter without Date, more bloody than all the rest, which was written to *Le Chese*, in some short time after the long Letter of Sept. 29, 1675. wherein among many other things, Mr. Coleman expresses himself thus. *We have a mighty Work upon our hands, no less than the Conversion of three Kingdoms, and the utter subduing of a Pestilent Heresy, which hath for some time domineer'd over this Northern Part of the World; and there never were such hopes of success since the Death of our Queen Mary. as now in our days.* And in the Conclusion of this Letter he implores *Le Chese* to get all the Aid and Assistance he can from *France*; and that next to God Almighty, he did rely upon the mighty Mind of his *Most Christian Majesty*, and therefore did hope *Le Chese* would procure Mony and Assistance from him.

Then Dr. Oates at the desire of the Prisoner was call'd again, concerning the time of the Consult; *Coleman* offering to prove that he was the most part of that Month in *Warwickshire*, offering something to excuse himself from the Guilt of Treason; but being clearly convinc'd in both Points, Sir *Francis Winnington* (his Majesty's Solitior General) sum'd up the Evidence; to which Serjeant *Pemberton* added something; and then the Lord Chief Justice *Scroggs* spoke to the Jury, who presently brought the Prisoner in Guilty; who on the Morrow Morning being brought to the Bar, offered again something as to his being out of Town, and pleaded the King's

King's Act of Grace, the insufficiency of which, as to him, being shewn, the Ld. Ch. Justice directed a very excellent and Christian Speech to him, pronouncing Sentence upon him, to be hang'd, drawn and quartered. And on *Tuesday Decemb. 3.* following, he was accordingly drawn on a Sledg from *Newgate* to *Tyburn*, where he declared, that he had been a *Roman Catholick* for many Years, and that he thanked God he died in that Religion: and he said he did not think that Religion at all prejudicial to the King and Government.

The Sheriff told him, if he had any thing to say by way of Confession or Contrition, he might proceed, otherwise it was not seasonable for him to go on with such like Expressions. And being asked if he knew any thing of the Murther of Sir *Edmondbury Godfrey*, he declared upon the words of a dying Man, he knew not any thing of it; for that he was a Prisoner at that time.

Then after some private Prayers and Ejaculations to himself, the Sentence was executed upon him.

The Trials of William Ireland, Thomas Pickering, and John Grove, at the Sessions-house in the Old-Baily on Tuesday December 17, 1678.

THen and there were Arraigned, *Thomas White*, alias *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove*, upon an Indictment of High-Treason, for conspiring to murder the King: To which they pleaded, *Not Guilty*. Their Jury were,

Sir <i>Will. Roberts</i> , Bar.	<i>John Byfield</i> , Esq;
Sir <i>Phil. Matthews</i> , Bar.	<i>Thomas Eaglesfield</i> , Esq;
Sir <i>Charles Lee</i> , Kt.	<i>Thomas Johnson</i> , Esq;
<i>Edward Wilford</i> , Esq;	<i>John Pulford</i> , Esq;
<i>John Foster</i> , Esq;	<i>Thomas Earnesby</i> , Esq;
<i>Joshua Galliard</i> , Esq;	<i>Rich. Wheeler</i> , Gent.

To whom the Indictment was read, and Sir *Creswel Levinz* opened it, Sir *Samuel Baldwyn* opened the Charge, and Mr. *Finch* (all of Counsel for the King in this Cause) opened the Evidence.

And Dr. *Oates* being sworn, deposed, That in *December* last *Whitebread* receiv'd a Patent from the General of the Jesuits at *Rome*, to be Provincial of that Order. That after that, he ordered *Conyers* to preach against the Oaths of Allegiance and Supremacy at *St. Omers* upon *St. Thomas of Canterbury's* day: That he sent several Letters thither to *Ashby* about Assassinating

ting the King ; and in *February* a Summons to the Consult held *April 24*, upon which nine did appear at *London*, and the Consult was begun at the *White-Horse Tavern* in the *Strand*, and afterwards adjourn'd into several little Meetings, wherein a Resolve was drawn up by Secretary *Mico*, for *Pickering* and *Grove* to go on in their Attempt to kill the King, for which *Grove* was to have 15000 *l.* and *Pickering* 30000 *Masses* ; and this Resolve was signed by *Whitebread*, *Fenwick*, *Ireland*, and others, whom he saw sign it. That in *June* the Witness was sent over to murder *Dr. Tongue* for translating the *Jesuits Morals* out of *French* ; that he met with *Fenwick* at *Dover*, whose Box being seiz'd by the Searchers, then said, that if they had search'd his Pockets they would have found Letters as might have cost him his Life. That soon after *Ashby* (who had been sometime Rector of *St. Omers*) brought Instructions from *VWhitebred* (who was then looking after his Charge, as Provincial, beyond Sea) that Care should be taken for the Murder of the Bishop of *Hereford* and *Dr. Stillingfleet*, and that 10000 *l.* should be proposed to *Sir Geo. Wakeman* for poysoning the King ; and that nevertheless *Pickering* and *Grove* should go on still in their Attempts. That the 10000 *l.* was proposed to, but refused as too little, by *Sir George* ; whereupon *VWhitebread* writ from *St. Omers* that 15000 *l.* should be proposed, which was both proposed and accepted, whereof 5000 *l.* was paid by *Coleman*, or his Order. That in *August* at a Consult of the *Jesuits* with the *Benedictines*,
the

the four *Russians* were recommended by Dr. *Fagarty*, to which *Fenwick* being present consented, and they were sent away to *Windsor*, and the next day 80 l. was sent after them. That in this Month other Letters came from *Whitebread*, ordering *Harcourt* to send one *Moor* and *Sanders*, alias *Browne*, into *Scotland*, to carry on the Design which *Fenwick* and *Ireland* had plotted of a Rebellion there. That *Pickering* and *Grove* did accept the Terms, and *Grove* took the Sacrament and Oaths of Secrecy upon it after the Consult was over in *Whitebread's* Chamber. That he saw *Pickering* and *Grove* several times walking in the Park together with their Screw'd Pistols: that they had Silver Bullets to shoot with (which he had seen) and *Grove* would have had the Bullets to be champt, for fear the Wound to be given by them might be curable. That in *March* last (these Persons having followed the King several Years) *Pickering* had a fair opportunity, but that the Flint of his Pistol being loose, he durst not venture to give Fire, for which Negligence he underwent Penance, and had twenty or thirty strokes of Discipline, and *Grove* was chidden for his Carelessness. That *Fenwick* was by when the 80 l. was sent by *Harcourt* to *Windsor* for the four *Russians*: That he received the Oath of Secrecy which *Whitebread* administred upon a Mass-Book, *Mico* holding the Candle. That *Whitebread* issued out several Commissions, and particularly one for Sir *John Gage* of *Suffex*, which the Witness saw, to be an Officer in the Army. That in *August* there was a Consult, where-

whereat *Fenwick* was, wherein there was a Design laid for killing the Duke of *Ormond*, and raising a Rebellion in *Ireland*, to which *VWhitebread* also consented when he came over, as appears by their Entry-Books. That in *September* *VWhitebread* having had Intimation from one *Beddingfield* of the Plots being discover'd, and of the suspicion they had of the Witness; being waited upon at his Lodgings upon his coming over by the Witness, he beat, affronted, and reviled the said Witness, commanding him to go beyond Sea again, assaulting him in his Lodging afterwards to have murdered him, being jealous that he had betrayed them.

He deposed also that *Grove* did go about with one *Smith* to gather *Peter-Pence*, and that he saw the Book wherein it was entred. And confessed to him, that he with three *Irish* Men did fire *Southwark*, for which *Grove* had 400 *l.* and the other three 200 *l.* a piece.

Then Mr. *Bedloe* deposed, That he had been five Years almost employed by the Jesuits and the *English* Monks in *Paris*, to carry and bring Letters between them from and to *England* for the promoting of this Plot; Relating how *Harcourt* began to employ him, and naming the particular places whither he had been sent, to shew the Reasons of his knowledg in this matter, saying, that in all their Consults wherein he was, it was always concluded on, That they would not leave any Member of any Heretick in *England*, that should survive to tell in the Kingdom hereafter, that there ever was any such Religion in *England* as the Protestant Religion. Then he proceeded to depose

depose that in *August* last there was a Consult at *Harcourt's* Chamber, about killing the King (as *Pritchard* inform'd him) and of sending the four Ruffians to *Windsor*, who failing, it was afterwards concluded *Pickering* and *Grove* should go on, and *Conyers* be joyned with them to assassinate the King in his Morning-Walks at *New-Market*; this he heard in *Harcourt's* Chamber in *August* also; *Grove*, and *Pickering*, and *Pritchard*, and *Fogarthy*, and *Harcourt*, and the Witnesses being present. And *Grove* being more forward than the rest, said, *Since it could not be done clandestinely, it should be attempted openly. That those that fell, had the Glory to die in a good Cause. But if it were discovered, the Discovery could never come to the height, but their Party would be strong enough to bring it to pass. That Grove was to have 1500 l. and Pickering a considerable number of Masses. That there was a Discourse at the same time of a design to kill several Noble Persons: Knight was to kill the Earl of Shaftsbury; Pritchard the Duke of Buckingham, Oneile the Earl of Ossory, and Obrian the Duke of Ormond.*

Then a Letter was produced and read in Court (sworn by *Sir Thomas Doleman* to have been found among *Harcourt's* Papers, four or five days after *Dr. Oates* had given in his Informations) from one *Edward Petre*, giving account when the Consult was to be, as ordered by their Provincial *Whitebread*, mightily confirming *Dr. Oates's* Evidence as to that particular.

Then the Seals also were shewn in Court that were made use of to sign Commissions, taken out of *Whitebread's* Chamber.

Then the King's Counsel here ending their Evidence, the Lord Chief Justice took notice to the Jury, that there had only one Witness sworn against *Whitebread* and *Fenwick*; *Bedloe* charging them with nothing of his own knowledge, and that therefore he would discharge them of them, and accordingly he sent them back to the Goal. And the other three were called upon to make their Defence, which was only a bare denial of the Matter of Fact. Only *Ireland* being charged in *August* laboured very much to prove that he was out of Town all that Month, by the Testimony of his Mother, and Sister, and one *Harrison* (Sir *John Southcott's* Coachman) and one *Gifford*. His Mother and Sister saying expressly that he went out of Town *August 3d*, and *Harrison* that he saw him at *St. Albans August 5th*, and continued in his Company to the *16th*, and *Gifford* that he saw him at the latter end of *August* and beginning of *September* at *Wolverhampton*, tho it was re-proved by very good Circumstances, and upon Oath for the King, by *Sarah Pain* (Servant to *Grove*) that she saw him at his own door in *London* about the *12th* or *13th* of the same Month. His next Defence was a weak Reflections upon *Dr. Oates's* Credit, to which purpose an Indictment for Perjury never prosecuted, was urged against him, but the Attourney-General made slight of it, as of a thing that had nothing in it. Neither was that which Sir *Dennis Ashborn-*

Ashbournham said of greater force, concerning the Irregularities of his Childhood, which he said would have staggered his Belief of what the Doctor had deposed if the matter had depended solely upon his Testimony, but being so corroborated with other Circumstances, he was convinced of the Truth of what he had discovered; nor did he think any thing could be said against *Dr. Oates* to take off his Credibility.

The Lord Chief Justice then summ'd up the Evidence, smartly inveighing against the Principles and Doctrines of Popery. After which the Jury retired for a very little while, and then brought those three Prisoners in *Guilty*. And then the Court Adjourn'd till the Afternoon, when being met about five a Clock *Mr. Recorder* (the Judges being gone home) made an excellent Speech against Popery, to the Prisoners, sentencing them to be *drawn hang'd and quartered*; which accordingly was executed upon them at *Tyburn* on Friday, *Jan. 24th* following.

The Trials of Robert Green, Henry Berry, and Laurence Hill, at the King's-Bench-Bar at Westminster, on Monday Feb. 10th, 1678.

THE Prisoners there appearing were indicted for the Murder of Sir *Edmondbury Godfrey*, Kt. one of his Majesty's Justices of the Peace

Peace for the County of *Middlesex*, to which they pleaded *Not Guilty* on Wednesday *Feb. 5.* and were ordered to be brought the next day to their Trials: But Mr. *Attourny-General* the next day moved the Court that it might be deferred till Monday, *Feb. 10.* that the King's Evidence might be the more ready, which was granted.

On Monday therefore they were brought to their Trials, and the Jury impanell'd were,

Sir <i>Will. Roberts</i> , Bar.	<i>John Bathurst</i> , Esq;
Sir <i>Rich. Fisher</i> , Bar.	<i>Richard Gowre</i> , Esq;
Sir <i>Mich. Heneage</i> , Kt.	<i>Thomas Henslowe</i> , Esq;
Sir <i>Tho. Bridges</i> , Kt.	<i>John Sharpe</i> , Esq;
<i>William Avery</i> , Esq;	<i>John Haynes</i> , Esq;
<i>Char. Umphrevile</i> , Esq;	<i>Walter Moyle</i> , Esq;

To whom the Indictment being read, Sir *Thomas Stringer*, Serjeant at Law, and of Counsel for the King in this Cause, opened the Charge, and Sir *William Jones* Attorney-General, opened the Evidence.

Then Dr. *Oates* being sworn, deposed, That ~~in September~~ *Sir Edmondbury Godfrey* in Discourse did tell him what Affronts he had received from some great Persons for being so zealous to take Examinations concerning the Plot: And that others who were well inclin'd to have the Discovery made, did think that he had not been quick enough in the Prosecution, but had been too remiss, and did threaten him that they would complain to the Parliament, which was to sit the 21st of *October* following. That about a
Week

week before he was missing, he came to the Witness in a great fright, and told him that several Popish Lords had threatned him, and asked him what he had to do with it? He said he went in fear of his Life by the Papists, and that he had been dog'd several days.

Then *Thomas Robinson* Esq; chief Prothonotary of the Court of Common-Pleas, and a Justice of the Peace for *Middlesex* and *Westminster*, did depose that discoursing Sir *Edmondbury* about the Examinations he had taken about his Plot, he said to him, that he should have but little Thanks for his Pains, that he did it very unwillingly, and would fain have had it done by others. And that *he did believe, upon his Conscience, he should be the first Martyr.*

Then Mr. *Prance* deposed, that about two or three Weeks before Sir *Edmondbury's* Murder; He, *Girald, Green*, and *Kelly* met several times at the *Plow Ale-House* by the Water-side; where *Girald* and *Kelly* inticed the Witness, saying, Sir *Edmondbury Godfrey* was a busie Man, and had done, and would do a great deal of Mischief, and it was a piece of Charity and no Sin to kill him. That they had dog'd him into *Red-Lion Fields*, but had not an opportunity to kill him. That *Hill, Girald*, and *Green*, had dog'd him all *Saturday, October 12. last*, from his first going out (*Hill* having first spoke with him upon some pretended story at his own House) whereof *Kelly* gave the Witness notice; at night they lodg'd him in a House at *St. Clements*, and about seven a Clock *Green* call'd the Witness out of his own House in *Princes-street* to *Semerfet-House*;

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that about eight or nine a Clock *Hill* came before up the street, and gave them notice to be ready, and then stay'd at the Gate till Sir *Edm. Godfrey* came by, and then told him, there were two Men a quarrelling, and desired him to come and try whether he could pacify them; he was very unwilling; but being intreated, he went down till he came to the bottom of the Rails, and then *Green* twisted his Handkerchief, and threw it about his Neck, and threw him behind the Rails, and there throttled him, and punched him, and *Girald* (a Priest, as also was *Kelly*) would have thrust his Sword through him, but the rest would not permit him, for fear it should discover them by the Blood. That about a quarter of an Hour after the Witness came down, and found he was not quite dead; and then *Green* wrung his Neck quite round; that he watch'd the Water-Gate, and *Berry* the Stairs while the Murder was a doing, but these Circumstances they all told him afterwards. That when he came to them, there was *Hill*, *Green*, *Girald*, and *Kelly* about the Body, and *Berry* came to them from the Stairs, and they six help'd to carry the Body into *Hill's* Chamber in Dr. *Godwin's* House, where it lay till Monday night, something being thrown over it, and then it was removed into *Somerset-House*, and *Hill* shew'd it him with a Dark-Lanthorn, *Girald*, *Hill*, and *Kelly*, being then in the Room. On Tuesday Night it was removed back again towards *Hill's* Chamber, but somebody being there, they lay'd it in a Room just over against, supposed to belong to Sir *John Arundel's* Lodgings. There it lay till Wednesday Night

Night about nine a Clock, when they removed it into the Room where it first lay ; and the Witness coming just as they were removing it, they were affrighted and run away ; but he speaking, *Berry* came back again, and got the Body up into the Room, and about twelve a Clock they carried it away in a Sedan which *Hill* brought ; that the Witness and *Girald* carry'd the Sedan ; *Green* and *Kelly* going before, and *Berry* opening the Gate at an Hem : that they carry'd him into *Covent-Garden*, and then *Green* and *Kelly* to *Long-Acre*, and then they again to *Soe-hoe* Church, where *Hill* met them with an Horse, on which they set the Body astride, forcing open his Legs, and *Hill* held him up, and so (leaving the Sedan in one of the new Houses there till they came back again) *Green*, *Hill*, *Girald* and *Kelly*, went away with him ; and (as they told the Witness next morning) they, having run him through with his own Sword, threw him into a Ditch, and laid his Gloves and other things upon the Bank, — That *Girald* and *Vernat* did speak of a great Reward to be given for this, from the Lord *Bellasis* : — That *Girald* was resolved to kill him that Night ; and if he could not otherwise, he would kill him with his own Sword in the Street that leads to his own House. — That afterwards, He, and *Girald*, and *Vernat*, and one *Luson*, Priests, did dine at one *Casshes*, at the *Queens-Head* at *Bow*, having a Barrel of Oysters, and a dish of Filb, which he bought himself : That Mr. *Vernat* sent a Note by a Cobler for one Mr. *Dethick*, who presently came to them, and then they all read the Writing

ting of the Murder, and were very merry ; but the Witness hearing the Door a little ruffle, went and catch'd a Drawer listning, whom he told he could find in his Heart to kick down Stairs, and so sent him away.—That this *Vernat* was to have been one at the Murder ; but something happen'd he could not.—That this Witness never knew Mr. *Bedloe* before he was committed.

Then Mr. *Bedloe* deposed, That in the beginning of *October* last, he was several times treated with, by *Le Faire*, *Prichard*, *Rains*, and several other Priests, about murdering of a Gentleman (refusing to tell him who it was) promising 4000*l.* and some to assist him in it. Afterwards that he was commanded by them to insinuate himself into the Acquaintance of Sir *Edmondbury Godfrey*, which he did by pretending to come for Warrants for the good Behaviour.—That the day before he was murder'd, he sent his Boy to Sir *Edm. Godfrey* to invite him to the Tavern, where were *Prichard*, *Le Faire*, *Welch*, *Kaines*, & another (5 Jesuits) that they also might have insinuated themselves into his Acquaintance, but he was not at home.—That the next day *Le Faire* told him that there was a considerable Gentleman to be put out of the way that night, who had all the Informations of Dr. *Oates* and Dr. *Tongue*, and if he should not be put out of the way, and those Papers took from him, the Business would be so obstructed, that they would not be able to effect it till another Age. The Witness then told him, that according to his Promise he would assist ; and was appointed to meet him that Night in the *Cloysters* at *Somerset-House*.

Honse. And asking where the Reward was? *Le Faire* told him, that no worse a Man was engaged for it than the Lord *Bellasis*, and Mr. *Coleman* had order to pay it:—That the Witness seeing *Le Faire* again on Monday night, he was charged by him with his breach of Promise; but excused it, by his being otherwise engaged, and because he would not murther a Man, till he knew who he was; whereupon *Le Faire* said he would tell him more, if he would meet him that night at *Somerset-House*, at nine a Clock; accordingly he did, and walk'd and talk'd in the Cloysters a great while with him. And then *Le Faire* told him he had done ill, not to help in this Business, but if he would help to carry the Body off, he should have half the Reward: Whereupon understanding the Murder was done, he asked to see the Body; and so was brought into the Room where were a great many; and upon viewing the body, knew who it was; and was there told they designed to put the Murder upon himself, and would carry him out in a Chair, and *Berry* was to sit up to let them out. Then they press'd the Witness to help to carry him out, but he excused himself, saying, it was too early, but about eleven or twelve a Clock it wou'd be a better time, and then he would come again. Then said *Le Faire* to him, *Upon the Sacrament you took on Thursday, you will be at the carrying off of this Man at Night*: he promised him he would, and away he came very much unsatisfied in himself, having so great a charge upon him, as the Sacrament of the Altar; which, after the Discovery of the Plot,

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Plot, was administred to him twice a-week to conceal it. Afterwards he went to *Bristol*, and being restless. resolv'd upon a Discovery, and so writ to the Secretary of it, and went to the Parliament, and gave in his Information, that then in the Lobby he discover'd Mr. *Prance*, having never seen him but that Night when he view'd the Body. — And that the Body was not carryed off that Night because he came not, but was removed and kept longer, for fear of a Discovery.

For corroborating of these Evidences, Mr. *Brown* the Constable was then sworn, who deposed, that he found the Body in a Ditch with a Sword (which his Servants said was his own) run through him, and the end of it was two handfuls out of him. — That there was no Blood to be seen any where:—That the Sword had been run into him in another place, which being against a Rib could not go through him, but that there was no Blood there:—That he look'd black about the Brest:—That he supposed his Neck had been broken, because it was very weak and his Head might be turned from one Shoulder to another:—That his Stick and Gloves were on the Bank-side, and he had a great deal of Gold and Silver in his Pocket.

Then Mr. *Skillard* and Mr. *Cambridg*, who were Chirurgeons that view'd and search'd his Body, being sworn, both deposed to this purpose; That they found his Neck dislocated, and his Breast very much beaten and bruised, and two Punctures under his left Pap, the one went against a Rib, the other quite through the Body,
both

both which they believed was given him after his Death, and that he did not die of those Wounds ; That he had been kill'd four or five Days, for that he began to putrify and smell when they opened him, which was the next day after he was found.

Then *Elizabeth Curtis*, Sir *Edm. Godfrey's* Maid deposed, that she had seen *Green* at her Master's House, about a Fortnight before his Murder, and *Hill* that very *Saturday* Morning, making it out by good Circumstances. *Lancelot Stringer* (a Servant at the *Plow-Alcouse*) deposed, that he had seen *Girald*, and *Hill*, and *Kelly*, and *Vernat*, and *Green* in Mr. *Prance's* Company at their House.

Mr. *Vincent*, the Master of the House, swore the same, as to all those Persons ; which confirming Mr. *Prance's* Evidence as to that Circumstance, the Court proceeded to do the same as to what related to their meeting at *Bow*. And therefore,

Richard Cary being call'd, deposed, that he carried the Letter to Mr. *Dethicke*, which he gave into his own Hands, he telling him he would be with the Gentlemen presently ; and when he returned and told them so, they gave him a Glass of Claret and six pence ; — That he thought Mr. *Prance* (looking upon him) to be one of the Gentlemen ; and Mr. *Prance* declared him to be the Messenger.

Then *William Evens*, the Boy of the House at the *Queens-Head*, deposed that he remembered the Company that was at his Masters House two or three Months ago, to whom Mr. *Dethick* came
(whom

(whom he knew very well) and that they read a Paper, and named Sir *Edm. Godfrey's* Name; and while he was at the door, some body came and threatned to kick him down Stairs;—That they dined there, and had a Barrel of Oysters, and Flounders which one of them bought.

After this Sir *Robert Southwel* being called and sworn, deposed that when Mr. *Prance* was examined before the King, Dec. 24. he was sent with the D. of *Monmouth*, the E. of *Ossory*, and Mr. *Vice Chamberlain* to the Queen, and himself to *Somerſet-Houſe*, where he ſhewed them all the Places where all was done, exactly answerable to what he had declared to the King and Council before, only he was at a loſs, and could not be poſitive, which was the Room wherein he had ſeen the Body on Monday Night by Candle-Light;—He deposed alſo that *Hill* in his Examination at the Council-Board denied that he knew *Kelly*, but that he knew *Girald*.

Then Mr. *Thomas Stringer* deposed, that *Berry*, upon his Examination before the Lords of the Committee, did ſay, he had Orders from the Queen's Gentleman-Uſher, that he ſhould ſuffer no Strangers, nor any Perſon of Quality to come into *Somerſet-Houſe* the 12th, 13th, and 14th of *October*, and that he did reſuſe the Prince, but ſent him back again: and that he never before had any ſuch Directions.

In Answer to theſe Facts, thus made out, *Hill* defended himſelf, by affirming that Mr. *Prance* had perjur'd himſelf, by denying or recanting what he had ſworn before the King; but that was over-ruled by the Court, for that

Mr.

Mr. *Prance's* first Impeachment was upon Oath, and his Recantation but only a bare Denial. Besides, that Capt. *Richardson* deposed, that Mr. *Prance* did retract his Recantation by that time he had brought him back to his House, and desired his Pardon ; saying, it was only fear that made him recant, lest his Trade should be lost, and he be in danger of being murdered by the Papists ; but that what he had sworn was true, and his Recantation false ; — *Hill* produced moreover, *Mary Tilden* (Dr. *Godwin's* Niece and House-Keeper) and one Mrs. *Broadstreet*, to prove that he stirr'd not from home after eight a Clock that Night : the same attested *Katherine Lee*, *Daniel Gray*, *Robert How*, *Thomas Cutler*, *Richard Laziney*, and Mr. *Achbold* ; — He further urged that Mr. *Prance* had been tortured, to make him confess what he did ; and that there were several about the Court that heard him cry out. But Mr. *Prance* upon his Oath, utterly deny'd any such thing, affirming that the Keeper had used him with all Civility from his first Commitment. — *Hill's* Wife offered also a Paper to the Court, containing Observations upon the Indictment, which she desired might be read, but it was refused, and she bid to give it her Husband.

Green produced for his Defence, the Testimony of *James Warriar* his Landlord, and his Wife and Maid, which being found to relate to October 19. was deemed nothing to the purpose.

Berry produced Corporal *William Collet*, who affirmed that he on that Wednesday Night placed his Sentinels at *Somerset-House*, *Nicholas Trollop*

Trollop from seven to ten, who confessed that in his time a Sedan was brought in : *Nicholas Right* stood from ten to one, who said no Sedan came out in his time ; and *Gabriel Hasket*, who affirmed the same for his time : And *Eliz. Minshaw*, *Berry's* Maid affirmed that her Master was in Bed that Night by twelve a Clock.—The Sentinels Evidence was only thought material ; but in regard they could not be so positive but that they might be mistaken, by reason of the darkness of the Night, and Privacy of the Conveyance, their Evidence was not thought substantial.

Mr. *Attorney General* then spoke to the Concurrence of *Prance's* and *Bedloe's* Evidences ; and Mr. *Solicitor General* to the Consistency thereof. After which the *Ld. Ch. Justice* sum'd up the Evidence, and directed the Jury, in a very tart Speech against the Cruelty of the Romish Principles.—Then the Jury withdrawing for a short space, brought the Prisoners all in guilty. Upon which the *Ld. Ch. Justice* told them that they had found the same Verdict that he would have found if he had been one with them ; and if it were the last word he were to speak in this World, he should have pronounced them guilty. At which Words the whole Assembly gave a great shout of Applause.

The next day the Prisoners being brought again to the Bar, Mr. Justice *Wyld*, who as second Judg in that Court, pronounceth the Sentence in all Criminal Matters (except High-Treason) spoke an excellent Speech to them, wherein he shewed them the Greatness of their Crime, and gave them good Advice ; and then
sen-

sentenc'd them to be *Drawn, Hang'd and Quar-
ter'd*; which was accordingly executed upon
them at *Tyburn* on *Fryday* the 21st of *Feb.* they
all denying the Fact to the last.

ADVERTISEMENT.

THE Tryals of *Thompson, Pain and Farrel*,
tho not immediately succeeding the Pre-
ceeding, yet relating to the same matter, and
giving no little light thereto, is judg'd not in-
convenient to be placed next.

*The Tryals of Nathaniel Thompson, Wil-
liam Pain, and John Farrel, at Guild-
Hall, before Sir Francis Pemberton,
Lord Chief Justice of his Majesty's Court
of Kings-Bench, on Tuesday, June the
20th, 1682.*

The Jurors Names were

*Peter Houblon,
John Ellis,
William Barret,
Joshua Brooks,
Gervas Byfield,
Jonathan Lee,*

*George VViddowes,
William Sambrooke,
William Jacomb,
John Delmee,
Samuel Bayly,
Samuel Howard.*

TO whom an Information exhibited by the
Kings *Attorney General* against the said
Thompson, Pain and Farrel was read, for writing
and printing several scandalous Libels about the
Death

Death of Sir *Edm. Godfrey*, reflecting on the Justice of the Nation in the Proceedings against his Murtherers. Which Information Mr. *Thompson* opened, and Serjeant *Maynard* aggravated the Crimes therein contained.

Mr. *Clare* then was sworn, and produced a Copy of the Record of the Conviction and Attainder of *Green, Berry* and *Hill*, for the Murther of Sir *Edm. Godfrey*: As also a Copy of the Inquisition taken by the Coroner of *Middlesex*, upon the view of the Body of the said Sir *Edm. Godfrey*, whereby it was found by them that he was murdered, strangled with a Cord by Persons unknown. Both which (Mr. *Clare* having sworn to be true Copies) were read. Then the Execution of *Green, Berry* and *Hill* was attested by the Oath of Capt. *Richardson*, and Mr. *Prance* and *Curtis* swore that they and *Bedloe* were Witnesses at their Tryals.

Then Sir *John Nicholas*, Sir *Philip Lloyd*, and *William Bridgman* Esq; swore that the two Letters in the Information (which were shewed them) were the same that were shewed to *Thompson, Pain* and *Farrel*, at the Council; and that *Thompson* owned the printing of both; and *Farrel* owned the bringing of the first, and *Pain* owned the bringing of the other to *Thompson*: both which Letters was then read in the Court.

The first (which *Farrel* owned he writ) was intituled, *A Letter to Mr. Miles Prance, in relation to the Murder of Sir Edm. Godfrey*. The Design whereof was to contradict the Evidence given at the Trial of his Murderers, and to fix the Guilt upon himself; affirming that the Coroners

ner's Inquest were first of Opinion he was *Feld de se*, and there was much Art us'd to procure their Verdict to the contrary. That the Body was refused to be opened; and the Coroner of *Westminster's* Assistance rejected; and he dismiss'd with a Guiny. That he was not dogg'd as was sworn, but was seen in several places, and about three in the Afternoon about *Primrose-hill*, walking in the Fields. That he was found in a place inaccessible by a Horse, and in such a posture, as infer'd he could never be thrust into a Sedan. That his Body was full of Blood; and when the Sword was pulled out, Blood and Water very much issued out of that Wound; and that part of the Sword which was in the Body was discoloured, and the Point which was through was rusty; his Clothes, Belt, and Scabbord, were weather-beaten to Rags, his Body stunk, and his Eyes, Nostrils, and Mouth, were Fly-blown; his Eyes shut, his Face pale; no Dirt on his Shoes, nor Horse-hair on his Clothes; and that *Bedloe's* and *Prance's* Evidence before the Committee of Lords, very much differ'd. And that all this would be proved by divers credible and undeniable Eye and Ear-Witnesses.—Dated from *Cambridg*, Feb. 23. 1681.—Subscribed *Truman*. London, printed for M. G. at the Sign of Sir E. B. G's Head, near *Fleet-bridg*.

The other Letter (writ by *Pain*) was intitled, *A second Letter to Mr. Miles Prance, in Reply to the Ghost of Sir E. Godfrey*. Which was a Vindication of the First, in Reply to the Answer given thereto, by a Paper Intituled, *The Ghost of Sir E. Godfrey*; Disclaiming the concurrence

currence of any Papists in publishing that Paper, asserting for Truth all that had been said therein, which was ready to be proved by many Witnesses, who were not willing to expose themselves to the fury of that Torrent, which then carried all before it in favour of the Plot, by appearing at the Trial; running over all the Paragraphs of the other Letter, asserting what had there been said for Truth; endeavouring to wipe off the Objections given, in a scurrilous manner; imputing Melancholy to be predominant in Sir *Edm. Godfrey's* Family, and that such Accidents were no News thereto, &c. Dated from *Cambridg*, *March 13. 1681.* subscribed *Truman.* *London,* Printed for *Nath. Thompson,* 1682.

Then was read a Paragraph out of *N. Thompson's Loyal Protestant Intelligence*, Numb. 125. *Tuesday, March 7. 1681.* which was a kind of Advertisement of this second Letter's coming out; and an Assertion, that all things in the first were true; and were ready, by undeniable Evidence, to be made out. Then a Paragraph was read out of another of the like *Intelligences*, Num. 127. *Saturday, March 11. 1681.* which was a kind of challenging an Answer to the first Letter; and of the City's inspection of the Truth thereof, promising Proof to every Title, without one Papist, or Popishly-Affected Person being concern'd therein, &c.

Thus, by these Letters and Intelligences they endeavoured to stifle the Evidence of the King, and arraign the Justice of the Nation.

Then

Then Mr. *Sanders* (of Counsel for *Pain*) acknowledged the rashness and unadvisedness of the Act, but that it was not out of Malice; that he was no Papist, nor any of his Family; and how ingenuously it was done of him to acknowledge his Letter, much more than to write it, and bring it to be printed. Mr. *Gooding* (of Counsel also for *Pain*) acknowledged him sorry for what was done, and offered to give any Satisfaction.

Mr. *Talden* (of Counsel for *Thompson*) pleaded, That the other two drew him in, and that it was honestly done of him to discover the Authors; and that what was in his *Intelligences*, was not so much his Fault as the Authors, for whom it was free to put what they would in there, he being paid for his pains.

Mr. *Osborne* (of Counsel for *Farrell*) acknowledged it a foolish thing; but offer'd his Witness to be heard.

Farrell then, first of all, called one Mr. *Hazard*, who deposed, That he went along with *Farrell* to see Sir *E. Godfrey's* Body at the *White-House*. That he lay there upon a Table, and his Eyes were closed, and Shoes clean as if he had been upon an *Hay-Mow*. That he saw Goblets of Blood in the Ditch where he had lain, and likewise at a place where there were two or three things to go over.

William Batson deposed, That he also saw the Body at the *White-House*, and the Blood in the Ditch; but that it looked to him, as if it had been laid there rather than any thing else.

Then one *Fisher*, who helped to strip the Body at the *White-House*, deposed, That his Shoes were clean, and he saw no Blood but on his back-part, where was Blood ; that he seemed to have been strangled ; and his Neck was so weak, that it might be turned any where.

Then *John Rawson* deposed, That he help'd to carry the Body away out of the Ditch, and pulled out the Sword ; that he saw Blood upon some Posts, and upon the Table where it lay, and on the Floor ; and that there were something like Fly-blows in his Eyes ; tho (being ask'd) he said he saw no Flies busy at that time of the Year. [*At which the People laughed.*]

Mrs. *Rawson*, his Wife, only swore, That there was Blood and Water ran through the Table ; and that many People said there were Fly-blows, but she did not mind it, tho there was something like Fly-blows.

Then *Farrell* proposed to prove the difference between *Prance's* and *Bedloe's* Evidence, by Copies of the Journals of the House of Lords ; and the Ld. Ch. Justice gave him leave freely to prove what he would or could : But he went off from this Proof, and called other Witnesses, &c.

Mr. *Chase* the Son, deposed, That he saw no Blood in the Ditch, but he saw some four or five Yards off, which the Constable told him followed the Sword when it was pulled out. That he saw the Body in the House, wherein was two Wounds, and a great Contusion on the left Ear, his whole Face much bruised, and he believed him strangled ; and that those Injuries offered him could not be after he was dead.

Mr.

Mr. *Hobbs* deposed, That it was his Opinion he was Strangled, his Face was bloted, and the bloody Vessels of his Eyes full, and he observed no Fly-blows.

Mr. *Chase*, the Father, deposed, That he observed the Body beaten, from the Neck to the Stomach, so as he never saw the like. That Mr. *Farrell* telling him soon after what Proof he could make of this Business, he dissuaded him, as being impossible to say any thing against it that had the face of Truth: That after his Book came out, Mr. *Farrell*, on *Easter-Eve* told him, That six Months before he had given him good Counsel if he had taken it.

Then Mr. *Brown* deposed, That he saw no Fly-blows on the Body, nor ever said he did, but that Mr. *Farrell* would have had him said so; and another time told him, he was wrong in his *Affidavit*, as if he knew what he could make *Affidavit* of better than himself.

Then Mr. *Smith* deposed, That he did not carry any of the Blood home in his Handkerchief, as *Farrell* had called him for to declare.

Then Mr. *Lazingby* was sworn, to declare, Whether Men that kill themselves, do not look as Sir *E. Godfrey's* Body did? He deposed, That he seemed to him to be strangled, and that which strangled him was kept about his Neck till he was cold, because his Face look'd bloody and bloted; and that he put his Finger into the Blood, which lay some four Yards from the Ditch, and it smelt like that which comes from a Body after a Fortnight's Time dead, rather than a Weeks, it being Blood and Water; whereas the Water

will separate from the Blood. That the Body was bruised from the Neck to the Stomach, his Eyes were open and Blood-shed. That his Clothes were dry, which he admired at, there having been so great a Storm the Afternoon before.

Farnell then proffer'd to prove himself no Papist; but the Ld. Ch. Justice told him, His Religion was not worth inquiring into. And *Searj. Maynard* observ'd how little Service his Witnesses had done him, not one having spoke on his side, but quite against him; and how little it belonged to such Fellows as he to meddle in this Business, or to write about it; proffering to call some Witnesses in, to prove him as wicked a Liar as lived; but it was thought unnecessary, and was therefore waved.

The Ld. Ch. Justice observing what liberty he had given the Defendant to call what Witnesses he would, because he was willing to hear what could be said in the Case, whether a Doubt could be made in the World, that Sir E. Godfrey was not murdered, &c.—leaving it to the Jury, Whether upon the Evidence, they did not believe them all Guilty of this Design, of traducing the Justice of the Nation.

The Jury thereupon, without going from the Bar, found them all three Guilty of the Information. And on *Monday, July 3.* they being brought to the Bar of the Court of *King's Bench* to receive the Judgment.

Mr. Thompson the Counsellor moved for Judgment; and further to satisfy the World, produced *Mr. Spence's* Affidavit before Mr. Justice *Dolbin, July 10. 1682.* wherein he had deposed that

that on *Thursday, Octob. 10. 1678.* As he was passing by *Somerset-House*, about 7 at Night, five or six Men standing at the *Water-gate*, laid hold on both his Arms, and dragg'd him about a Yard within the Gate, it being dark ; but one of them cried out, (which he believes was *Hill*, whom he very well knew) and said, This is not he ; upon which they let him go.

The Clerk of the Crown said, he knew this *Spence*, and that he was very like Sir *E. Godfrey*.

Then *John Oakeley's* Affidavit was read, which was made before Sir *John Moore* Mayor, *June 22. 1682.* and was, That he coming by *Somerset-House*, upon *Saturday, Octob. 12. 1678.* the very day on which Sir *E. Godfrey* was missing, about eight or nine at Night, he saw Sir *Edmond-bury* near the *Water-gate*, and past close by him, knowing him very well, put off his Hat to him, and Sir *Edm.* did the like to him ; and having pass'd him, he turned and looked upon him, and saw him stand still, and a Man or two near him : And that he told this to *Elizabeth Dekin* two or three days after ; and to his Uncle *Ralph Oakely* of Little St. *Bartholomew* about a Week after, and to his Father *Robert Oakely* and several others in a short time after.

Elizabeth Dekin's Affidavit (who was his Fellow-Servant) before Sir *John Moore* at the same time hereof ; and Mr. *Robert Breedon's* Affidavit (who was their Master, and a Brewer, near Sir *E. Godfrey's* House) made then also ; that *Dekin* had told him what *Oakely* had told her, and that before the Body was found. And *Robert*

Oakely his Fathers Affidavit, made at the same time that his Son had told him the same; and his Uncle *Ralph Oakley's* Affidavit of the same, before Mr. Justice *Dolbin*, July 4. 1682. were all annexed to corroborate his Testimony.

And whereas it had been reported, that Sir *E. Godfrey* hang'd himself, and that one *Moore* his Clerk cut him down; the said *Henry Moore* made Affidavit before Justice *Balam* of the Isle of *Ely*, July 28. 1681. That the Report was false and scandalous, and that he neither said nor did any such thing.

John Brown and *William Lock* also, of *Maribone*, made Affidavit before Sir *John Moore* Mayor, June 30. 1682. That they viewing the Body on Thursday, Octob. 17. 1678. as it lay in the Ditch, found that the Pummel of the Sword-Hilt did not touch the Ground by an hand-ful, &c.

Benjamin Man also of *London* Gent. being not called at the Trial, tho twice subpœned, made Affidavit before Sir *W. Dolbin*, July 3. 1682. That being in the Gatehouse when *Green* was took, and about to be put into Irons; and understanding his Crime, saying, he did not think to have found him such a Man; *Green* thereupon replied, *He was a dead Man*.

Robert Forset Esq; of *Maribone*, made Affidavit also before Sir *W. Dolbin*, on July 1. 1682. That he was a hunting with his Hounds, on Tuesday, Octob. 15. 1678. and beat that very place where the Body was afterwards found, but there was neither Body, nor Gloves, nor Cane thereabouts then; and that Mr. *Henry Harwood*.
(who

(who is since dead) borrowed his Hounds, and told him, that he beat the same Ditch the next day, and that no Body was there, he was sure, on *Wednesday* at Noon.

George Larkin of *London*, Printer, made Oath also before Sir *John Moore* Mayor, *March* 22. 1681. That he going to see the Body, on *Octob.* 18. 1678. he met *Nat. Thompson* there, who then proposed the printing of a Narrative of this Murder to him, desiring his Assistance; which they afterward agreed to print; and that contain'd, how Sir *E. Godfrey's* Face was of a fresh Colour, tho in his life-time Pale; a green Circle about his Neck as if he had been strangled, &c. That there was no Blood in the place, and his Shoes as clean as if he had but just come out of his own Chamber, which was an evident sign that he was carried thither,—and that the Coroners Inquest found that he was suffocated before the Wounds were made, &c. And finally, that one of the Jury affirmed, that his Mother's Servant searched all those Grounds for a Calf that was missing, *Monday* and *Tuesday*, and at that time there lay no dead Body, Belt, Gloves, Stick, &c.

Farrell it seems was Trustee for *Fenwick* that was executed; and *Pain* was Brother to *Nevill*, alias *Pain*, who was famous for scribbling for Mrs. *Cellier* and the Papists.

The Court consulting together, Mr. Justice *Jones*, having first set out the greatness of their Crime, gave the Judgment of the Court, which was, That *Thomson* and *Farrell* should stand in the Pillory, in the *Palace-Yard*, the last day of the

the Term, for an hours space, between ten and one ; and each of them pay 100 *l.* Fine, and to be imprisoned till they had paid it. *Pain* was excused from the Pillory, but adjudg'd to the same Fine.—Accordingly on *Wednesday, July 5. 1682.* *Thompson* and *Farrell* were Pillored, with this Writing over their Heads ; *For libelling the Justice of the Nation, by making the VWorld believe that Sir Edmondbury Godfrey murdered himself.*

The Trial of Nathaniel Reading Esq; before the Commissioners of Oyer and Terminer, at the King's-Bench-Bar at Westminster, on Thursday, April 24. 1679.

ON *Wednesday, April 16th, 1679,* His Majesties Commissioners of *Oyer and Terminer* did meet at *Westminster-Hall*, in the Court of *King's-Bench*, When and where the Commission was Read, and the *Grand-Jury* Sworn ; and then *Sir James Butler*, the Chief Commissioner that then appeared, gave them their Charge, informing them briefly of the Occasion of their meeting : desiring them to go together, and take the Witnesses (being first sworn) along with them ; which they did for about half an hour, and then returned, finding it *Billa Vera.* After which the Court Adjourned to *Thursday, April 24.* On which day the Commissioners there met, viz.

Sir

Sir Francis North Kt. Ld. Ch. Justice of His Majesty's Court of *Common-Pleas*.

William Montague Esq; Ld. Ch. Baron of his Majesty's Court *Exchequer*.

Sir William Wylde Kt. and Bar. one of his Majesty's Justices of the *King's-Bench*.

Sir Hugh Windham Kt. one of his Majesty's Justices of the *Common-Pleas*.

Sir Robert Atkins Kt. of the Bath, another of the Justices of the *Common-Pleas*.

Sir Edward Thurland Kt. one of the Barons of the *Exchequer*.

Verè Bertie Esq; another of the Justices of the *Common-Pleas*.

Sir Thomas Jones Kt. another of the Justices of the *King's-Bench*.

Sir Francis Bramston Kt. another of the Barons of the *Exchequer*.

Sir William Dolben Kt. another of the Justices of the *King's-Bench*.

Sir William Jones Kt. his Majesty's *Attorney-General*.

Sir James Butler Kt. one of the King's Counsel, and the Queen's *Attorney*.

Sir Philip Mathews Bar.

Sir Thomas Orby Kt. and Bar.

Sir Thomas Byde Kt.

Sir William Bowles Kt.

Sir Thomas Stringer Serjeant at Law.

Sir Charles Pitfield Kt.

Thomas Robinson Esq;

Humphrey Wyrle Esq;

Thomas Haryot Esq;

Richard Gower Esq;

After

After Proclamation made for Attendance, the Lord Chief Justice *North* discharged the Grand Inquest; and Mr. *Reading* being set to the Bar, "his Indictment was read to him; Being for
 "Soliciting, Suborning and endeavouring to per-
 "swade Mr. *William Bedloe* to lessen, stifle, and
 "omit to give Evidence the full Truth accord-
 "ing to his Knowledge, against the Lord *Powis*,
 "Lord *Stafford*, Lord *Petre*, and Sir *Henry*
 "*Tichborn*, but to give such Evidence as he the
 "said *Reading* should direct; as also for giving
 "the said Mr. *Bedloe* 50 Guinies in Hand, and
 "promising him greater Rewards, for the Ends
 "and Purposes aforesaid. To which he plead-
 "ed *Not Guilty* in Thought, Word, or Deed.
 Then the Jurors sworn, were,

Sir *John Cutler*,
Joshua Galliard Esq;
Edward Wilford Esq;
Thomas Henslow Esq;
Thomas Earsby Esq;
John Serle Esq;

Thomas Casse Esq;
Rainsf. Waterhouse Esq;
Matthew Bateman Esq;
Walter Moyle Esq;
Richard Pagett Esq;
John Haynes Esq;

Mr. *Reading* at first challeng'd Sir *John Cutler*, as being in Commission of Peace, and labour'd very much to have made his Challenge good. But the Court over-rul'd it, in regard Sir *John* was not in the particular Commission then sitting; and for that he could not challenge him peremptorily, the Indictment not endangering his Life, as it might have been laid, but only for a Misdemeanour. Thereupon the Court proceeded; and the Indictment being read to
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the Jury, *Edward Ward* Esq; (of Counsel for the King in this Cause) opened it, and *Sir Creswel Levinz* opened the Charge. After which, *Mr. Reading*, to save time, admitting those Publick Passages laid in the Preamble of his Indictment, (as that *Coleman, Ireland, &c.* were Executed for Treason; and that the Lords in the Tower were accused and impeached in Parliament for this Plot) *Mr. Bedloe* was sworn, and deposed, That *Sir Trevor Williams* brought him first acquainted with the Prisoner; who began with him as a friendly Adviser; in publick always pressing him to discover what he knew of the Plot, but in private advising him to be cautious, and not to run at the whole Herd of Men, intimating as if the Ld. Ch. Justice also seemed displeased at his forwardness, saying, that he would make the Parliament his Friends by proving the Plot; the King his Friend, in not charging all the Lords; and the Lords his Friends, by being kind to them. That the Persons *Mr. Reading* most solicited for, were the Lords *Petre, Powis, and Stafford*, and *Sir Henry Tichborn, Mr. Roper, Mr. Caryl, and Corker*: That he should have Mony, and an Estate, by the negotiation of the Prisoner at the Bar, to shorten the Evidence, and bring them off from the Charge of High-Treason. That he and *Mr. Reading* had several Consultations about this matter; none of which he did conceal, but revealed them presently to the Prince, the Earl of *Essex*, Counsellor *Smith*, *Mr. Kirby* and several others. And that he did not give in his full Evidence against *Whitebread*, and *Fenwick*, at *Ireland's Tryal*, because he was then treating

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the Jury, *Edward Ward* Esq; (of Counsel for the King in this Cause) opened it, and *Sir Creswel Levinz* opened the Charge. After which, *Mr. Reading*, to save time, admitting those Publick Passages laid in the Preamble of his Indictment, (as that *Coleman*, *Ireland*, &c. were Executed for Treason; and that the Lords in the Tower were accused and impeached in Parliament for this Plot) *Mr. Bedloe* was sworn, and deposed, That *Sir Trevor Williams* brought him first acquainted with the Prisoner; who began with him as a friendly Adviser; in *publick* always pressing him to discover what he knew of the Plot, but in *private* advising him to be cautious, and not to run at the whole Herd of Men, intimating as if the *Ld. Ch. Justice* also seemed displeased at his forwardness, saying, that he would make the Parliament his Friends by proving the Plot; the King his Friend, in not charging all the Lords; and the Lords his Friends, by being kind to them. That the Persons *Mr. Reading* most solicited for, were the Lords *Petre*, *Powis*, and *Stafford*, and *Sir Henry Tichborn*, *Mr. Roper*, *Mr. Caryl*, and *Corker*: That he should have Mony, and an Estate, by the negotiation of the Prisoner at the Bar, to shorten the Evidence, and bring them off from the Charge of High-Treason. That he and *Mr. Reading* had several Consultations about this matter; none of which he did conceal, but revealed them presently to the Prince, the Earl of *Essex*, Counsellor *Smith*, *Mr. Kirby* and several others. And that he did not give in his full Evidence against *Whitebread*, and *Fenwick*, at *Ireland's* Tryal, because he was then treating

treating with *Mr. Reading* who had made him easie. That the Prisoner, in assurance of his Reward, told him, he had order to draw blank Deeds to be sign'd in ten days after the discharge of those for whom the Sollicitation was made. That he and the Prisoner had a private Consultation in his Bed-chamber, *March 29.* last, when *Mr. Speke*, and his own Man *Henry VViggins* were hid privately in the Room, and over-heard the main of the Consultation and Overture of *Mr. Reading*; At what time *Mr. Bedloe* was to pen his Testimony as the Prisoner should direct him, for the mitigation of the Evidence. That when that Paper was finished, the Prisoner carried it to the Lords to consider of it: And that after they had consider'd of it, and mended it as they pleas'd, *Reading* return'd with the Emendations written with his own hand; and deliver'd them to *Mr. Bedloe* in the Painted-Chamber, who held them so behind him, that *Mr. Speke*, as it was agreed, took them unobserved out of his hand. [Which Paper being then Produced, was read in open Court.]

Then *Mr. Speke* was sworn, who deposed, That on *Saturday* morning, *March* the 29th last, he was hid behind the Hangings, between the Bed's-head and the Wall, in *Mr. Bedloe's* Chamber (as was agreed on before) and there he heard *Mr. Reading's* and *Mr. Bedloe's* Negotiation together. That *Mr. Bedloe* asked the Prisoner, what the Lords said to the Business, and what the Lord *Stafford* said to the Estate in *Glocestershire*? To which the Prisoner answered, That the Lord *Stafford* had faithfully promised him to settle

settle that Estate upon Mr. *Bedloe*, and that he had Orders from that Lord to draw up a blank Deed in order to the Settlement, which the said Lord had engag'd to Sign and Seal within 10 days after he should be discharg'd by Mr. *Bedloe's* contracting of his Evidence.—And that the Lords *Powis* and *Petre*, and Sir *Henry Tichbourn* had faithfully engag'd and promis'd to give Mr. *Bedloe* a very fair and noble Reward, which should be suitable to the Service he should do them, in bringing them off from the charge of High-Treason. To which when Mr. *Bedloe* answer'd, that he would not rely upon their Promises only, but expected to have something under their Hands; Mr. *Reading* reply'd, That they did not think it convenient so to do as yet, but that Mr. *Bedloe* might take his Word, as he had done theirs; and that he would engage his Life for the performance; With much other Discourse, all tending to the same effect.—That on the *Monday* morning, he saw Mr. *Reading* deliver the Paper to Mr. *Bedloe*, from whom he received it, and he and Mr. *Wharton* read it immediately in the Lord Privy Seal's Room.

After him, *Henry Wigger's*, Mr. *Bedloe's* Man, deposed, That he was concealed under the Rugg upon his Master's Bed, at the same time, and to the same intent as Mr. *Speke* was; giving the same Evidence, as to what had been discours'd of between the Prisoner and his Master in the Chamber; which afterwards he and Mr. *Speke* writ down.—And that he saw Mr. *Reading* deliver the Paper to his Master in the Painted-Chamber,

Chamber, and saw Mr. *Spike* take it, who went with another Gentleman into the Lord *Privy Seal's* Room with it.

After this Mr. *Reading* began his Defence; Protesting his own Innocency, producing Mr. *Bulstrode*, only to testify that the occasion of his going to the Lord *Stafford*, was his sending for him; which yet he did not without leave from the Committee of Secrets. That then he was employ'd by the Lords, only to get them their *Habeas Corpus's*. And Sir *Trevor Williams* being called by him, declared how he only recommended Mr. *Bedloe* to him for his Advice, about having his Pardon as perfect as could be. The Prisoner owning his being in Mr. *Bedloe's* Chamber at that time, and taking his Evidence, and carrying it afterwards to the Lords; but that it was purely out of Conscience, and to prevent Perjury, and the Shedding of Innocent Blood; and the Deed discoursed of was only for 200 *l.* to be paid him by the Lord *Stafford* within 10 days after he should be discharged, *pro Consilio impenso & impendendo*, to be secured upon an Estate in *Glocestershire*; the which Money, the Lord *Stafford* indeed told him, when he had received, he might dispose of it as he thought fit (which Confession the Court declared amounted to the Confession of the whole Charge.) Then he endeavour'd the bespattering the Witnesses; Relating how Mr. *Bedloe* had vilify'd Dr. *Stillingfleet*, Dr. *Tillotson*, and Dr. *Lloyd*; and that he heard him say, he had by him several Witnesses that would swear whatever he bid them; and that he laid in Provisions of Fire, Coals and
Billets;

Billets, behind the *Palsegrave-Head* Tavern, and hard by *Charing-Cross*, to burn the City of *Westminster*; which he produced one Mr. *Palmer* to swear, and that he lent him Money, as also he had Mr. *Speke*, which was yet unpaid (which proved to be 6s. 8d. for an Order, which was for Mr. *Speke's* Brother); aspersing them with being *Eves-droppers*; multiplying words, to little purpose. His Defence therefore being Artificial, (as the Lord Chief Justice told him) because nothing to the purpose. Nay, Mr. Justice *Wild* told him, he disgrac'd his Profession by making so weak a Defence. And *Bedloe* own'd some of the Crimes he bespattered him with, as part of the Guilt for which the King had given him his Pardon, and farther Depos'd, That Mr. *Reading* was to have 100 l. a Year, out of every 1000 l. a Year of *Bedloe's* Reward.

The Ld. Ch. Justice summ'd up the Evidence, to which the Ld. Ch. Baron added some little; and then the Jury, after a short recess, brought the Prisoner in Guilty. And then the Court Adjourn'd for half an hour when being met again, and the Prisoner at the Bar, The Ld. Ch. Justice Sentenc'd him, to be Fined 1000 l. to be Imprisoned for the space of a whole Year; and to be set in the Pillory for the space of one hour in the *Palace-Yard* in *Westminster*. On the Monday following he was Pillored accordingly, the Sheriff having a particular Charge of his Person; that nothing but Shame and Infamy might befall him, to which he had been condemned, and did deserve as well as any Man that ever was convicted.

The Trials of Thomas White, alias Whitebread, Provincial of the Jesuits in England. William Harcourt, pretended Rector of London. John Fenwick, Procurator for the Jesuits in England. John Gavan, alias Gawen, and Anthony Turner, all Jesuits and Priests. At the Sessions-house in the Old-Baily, on Friday June 13, 1679.

THen and there the Court being met, and all the Judges of *England* present, Proclamation was made of Silence and Attention whilst the King's Commission of Oyer and Terminer, and of Goal-Delivery were openly read; then the Prisoners being set to the Bar, *James Corker* (a Priest and Jesuit, brought thither to be tried with them) presented to the Court a Petition, setting forth that he was absolutely surprized, and unprepared for his Trial, and therefore besought the Court that he might not be tried till the next Sessions. To which the Court seemed inclinable enough, nor did the *Attorney General* gain-say it, upon condition that he could really make it out, that he wanted Witnesses, without which he could not make his Defence. However it was thought fitting that he should hear the Charge that was against him read: to the end he might be able to give the Court an account what Witnesses he had, that might avail him in reference to his Defence
against

against it, which being done, (the Indictment being in general for High-Treason, in conspiring the Death of the King, the Subversion of the Government, and Protestant Religion) the former Question was put to him again, and then he named one *Alice Gatton* now at *Tunbridg*, as a Witness to prove that he was not in Town upon the 24th of *April*; so that being respited till the next day, the Court said nothing farther to him that Sitting.

Immediately after the Indictment was read, *Whitebread* represented to the Court, that in regard he had been tried upon the 17th of *December* before, upon the same Indictment; at what time the Jury being impanell'd, and the Evidence found insufficient which came in against him, the Jury was discharged without a Verdict, he was informed that no Man could be tried, and consequently put in Jeopardy of his Life twice for the same Cause. For which reason he pray'd for Counsel to direct him upon that Point in matter of Law. He urged that his Life was in danger, as being deliver'd over in Charge to the Jury: and to make it out he alledg'd the Case of *Sayer*, in the 31 *Eliz.* who having pleaded to a former Indictment for a Burglary, was indicted a second time, upon which it was the Opinion of the Judges, that he could not be indicted twice for the same Fact. He likewise desir'd a sight of the Record, and that he might be informed, whether or no when a Person comes upon his Trial, he ought not either to be condemned or acquitted? Upon the whole matter, and his Motion together, the

Court declar'd to him, that the Jury being discharg'd of him, his Life was in no danger. For that the Jury being sworn to make a true deliverance of the Prisoners in their Charge, their Charge could not be full till the last Charge of the Court, after Evidence. Moreover, he was told that such a Plea as he produc'd could not be supported without a Record, and it was certain there was none here, because there was no Verdict; and besides, this was not the same Indictment, in regard it contain'd new matter.

Then *Fenwick* offered the same Plea, his Case being the same, appearing before with *Whitebread* upon his Trial: but the Court returning the same Answer to him as to the former, they both submitted, and so all of them pleaded severally *Not Guilty* to the Indictment.

Then the Jury being to be impanell'd, they unanimously excepted (without naming them) against all those Persons that had serv'd before as Jury-Men in the same Cause, which the Court allowed them, as but reason. And the Jury therefore that were sworn were these twelve.

Thomas Harriott,
William Gullston,
Allen Garraway,
Richard Cherrey,
John Roberts,
Thomas Cash,

Rainsford Waterhouse,
Matthew Bateman,
John Kain,
Richard White,
Richard Bull,
Thomas Cox.

To whom the Indictment being read, Mr. *Belwood* (of Counsel for the King in this Cause) open'd the Indictment, and Sir *Creswel Levine* prov'd

proved the Charge, and then Dr. Oates was first called, and being sworn he deposed, That *Whitebread* was made *Provincial* the last *December* was twelve Month; and by virtue of his Authority, order'd one *Conyers* to preach in the *English* Seminary upon *St. Thomas* of *Becket's*-day, that the Oaths of Allegiance and Supremacy were Heretical, Antichristian and Devilish: which accordingly was done. That in *January* or *February* he wrote Letters to *St. Omers* concerning the State of *Ireland*, of which he had an account from Arch-bishop *Talbot*, who wrote him word, that there were several thousands of *Irish* ready to rise, when the Blow (by which was meant the King's Murder) should be given in *England*, and he hoped it would not be long ere it was given. That he sent over two Jesuits into *Ireland* in *January* to see how Affairs stood there; of whose return he writ an account to *St. Omers* in *April*, and of the Consult to be that Month, at which he was, and signed a Resolve at *Wild-house*, that *Pickering* and *Grove* should go on in their design to dispatch the King, as a very excellent Expedient. That in *June* he went over into *Flanders* to look to his Charge, as *Provincial*, and there in discourse with some of the Fathers, he used this Expeſſion, "That he hoped to see the black Fools Head at *Whiteball* laid fast enough; and that if his Brother should appear to follow his steps, his Passport should be made too. That also upon *Sir George Wakeman's* refusing to poison the King for 10000 *l.* he advised the adding of 5000 *l.*

more, and was highly pleased that he had accepted it.

Mr. *Dugdale's* Evidence against him was, That in a Letter from *Grove* to *Emers*, he saw one of Mr. *Whitebread's*, to take none but stout desperate Fellows, not mattering whether they were Gentlemen or no, and that they were to take away the King's Life. That he had seen *Whitebread* at *Harcourt's* Chamber with *Le Faire*, *Pritchard* and others, where they fell into discourse concerning Sir *G. Wakeman's* bogling at 10000 *l.* and so agreed to make it up 15000 *l.* to which *Whitebread* readily consented.

Mr. *Bedloe* swore against him, That it was *Whitebread* that gave *Coleman* an Account of sending four *Irish-Men* to *Windfor*.

As to *Fenwick*, it was sworn against him by Dr. *Oates*, that when he came over in *June*, he met with *Fenwick* at *Dover*, who came with him to *London*, and upon his Box being seized by the Searchers, he heard him say, That if they had searched his Pockets, as they had his Box, they had found such Letters as would have cost him his Life; for, said he, they were about our Concern in hand. That he and one *Ashby*, or rather *Thimbleby*, then brought over Instructions from *Whitebread*, to offer Sir *G. Wakeman* 10000 *l.* to poyson the King, and for filling up a blank Commission to Sir *John Gage* to be an Officer in the Army. That *Ashby* being to go to the *Bath*, *Fenwick* with *Harcourt* did advise him, upon his leaving that place, to take a turn about *Somersetshire*, and to possess the People there with the matter, not doubting but that before he came up

up to Town again to have the Gentleman at *White-hall* dispatch'd, whom they called the *black Bastard*. That *Fenwick* was with others at *Wild-house* upon the 21st of *August*, at what time there was 80*l.* before them on a Table, which was for those that were to kill the King at *Windſor*, and was present when the Money was paid to the Messenger. That he also being at a Consult of the *Benedictines*, received advice from *Talbot* out of *Ireland* of a design to kill the Duke of *Ormond*, desiring Commissions and Money for advancing the Design. Upon which the said *Fenwick* sent Commissions to *Chester* by an Express, and other Letters by the Post; and moreover he deliver'd the Witness Money for his necessary Expences, charging him to procure some Masses to be said for a prosperous Success of the Enterprize.

Against *Fenwick*, Mr. *Prance* deposed that in *Ireland's* Chamber in *Russel-Street* about a fortnight before *Michaelmas* last, there was *Ireland*, *Fenwick* and *Grove* talking of 50000 Men that should be raised, and be in readiness to carry on the Catholick Cause, and were to be govern'd by the Lords *Bellaſſis*, *Powis* and *Arundel*: And that he, asking them what would become of Tradesmen, if Civil Wars should be again in *England*? *Fenwick* bid him never to fear a Trade, for there would be Church-work enough for him, as Crucifixes, Images, and the like.

Mr. *Bedloe* being sworn, deposed that he had seen *Fenwick* both at *Whitebread's* and *Harcourt's* Chambers, when the Murther of the King was

discourf'd of, and that he agreed with the reft, and confented to it.

Against *Harcourt*, Dr. *Oates* depofed, That he was one of thofe that were at the great Con- fult, and fign'd the Refolve. And that he was prefent at the filling up of the blank Commiffi- on to Sir *John Gage*; And paid the Meflenger the 80 l. which was for the four Affaffinates at *Windsor* in his own Chamber.

Against him Mr. *Dugdale* fware, that he being pitch'd upon to be one of the King's Murderers, was by *Harcourt* chofen to be difpofed of at *London* for that purpofe, under the Tuition of one Mr. *Parfons*. That there was a Letter from *Paris* which pafs'd through *Harcourt's* hands, to prove that it was the opinion of them at *Paris* and *St. Omers*, to fling the Death of the King upon the *Presbyterians*, whereby they fhould bring in the *Epifcopal* Party into the *Papifts* Company, to revenge themfelves of the *Presbyterians*; and after that, to go on to a Maffacre, and thofe that efcap'd it, to be afterwards totally cut off by the Army. That he alfo had feen feveral treafona- ble Letters, at leaft an hundred of them, all fent from *Harcourt* to *Ewers* under a Cover from *Groves*, which he had intercepted and read. That the firft Intelligence of the Mur- ther of Sir *Edmondbury Godfrey*, which they had in the Country, was fent from *Harcourt*, which Letter was received on Monday, and bore Date on Saturday, upon the Night of which Day the faid Murther was committed, with thefe parti- cular words, *This Night Sir Edmondbury God- frey is difpatch'd*. In Confirmation of which
Parti-

Particular, Mr. *Chetwin* was sworn, who deposed, that on *Tuesday* after the Murder, one Mr. *Sanbidge* (a Kinsman of the Lord *Astons*) came to him from *Elds*, an Ale-house, and ask'd him, if he heard not of a Justice of Peace at *Westminster* that was kill'd? the Girl of the House having told him that Mr. *Dugdale* had reported there that Morning that such an one was kill'd.

Mr. *Bedlæ* being sworn, deposed also, that he saw *Harcourt* take the 80 l. out of a Cabinet, and pay the Mony to the Messenger that was to carry it to the *Ruffians* at *Windsor*, giving the said Messenger at the same time for Expedition a Guinea, as from *Coleman*, to drink his Health.

—That in *Harcourt's* Chamber 1500 l. was agreed upon and appointed, as likewise the number of *Masses*, for *Grave* and *Pickering* for killing the King; -- That he was one of those that agreed and consented to the addition of 5000 l. to the first 10000 l. to be given to Sir *G. Wakeman*.

—That he brought *Harcourt* several Letters from *Wotton*, *St. Omers*, *Bruges*, *Paris*, *Valladolid*, and *Salamauca*; all of them for carrying on the Plot, shewing what Men, and Mony was in readiness, and what more expected. — That the Contributions and Accounts lay generally in *Harcourt's* Hands, and that he had carried several Papers from *Harcourt* to *Langhorn* concerning the same matter. — That he carryed a Consult to *St. Omers* from Mr. *Coleman*, to whom *Harcourt* went with him, and that in that Consult was the main of the Design; — Also that he saw *Harcourt* give Sir *G. Wakeman* a Bill upon some certain Citizen for 2000 l. telling him at
the

the same time, that it was in part of a greater Sum.

Then two Papers were produced and read in Court, which Sir Thomas Doleman deposed he found amongst *Harcourts* Papers; the first was a Letter from one Mr. *Petre*, giving an account when the Consult was to be, advising *Secresy*, as to time and place, it appearing of its own Nature necessary. The other was a Letter from one *Christopher Anderton*, dated from *Hilton* (by which was meant *Rome*) Feb. the 5th, 1673. wherein mention was made of the *Patents* being sent thence: both which Letters the Prisoners strugled much to vindicate by such forced Constructions of the matters they contained, as all the Court rejected.

Against *Gavan* Dr. *Oates* deposed, That he saw his Name to the Resolve, though he could not swear he was at the Consult of the 24th of April: That he gave an account from time to time of the Affairs of *Staffordshire* and *Shropshire*, relating to the Plot; and that coming to *London*, he gave the same account to *Ireland* in his own Chamber, and talk'd of two or 3000*l.* that would be ready for the Design.

Mr. *Prance* then deposed, that *Harcourt* had told him above a Year before, (as he was paying him for an Image of the Virgin *Mary*,) that there was a Plot upon the Life of the King.

Mr. *Dugdale* deposed against him, that it was he who had engaged him in the Plot upon the Life of the King, and often perswaded and encouraged him to it.—That at *Ever's* and his Chambers at *Boscobel* and other places, several

Con-

Consultations had been had about the Death of the King, and bringing in of Popery; wherein Mr. *Gaven* was always a great Man, being a good Orator to perswade People in the Design:—That at the same Consultations he had heard the Massacre often discours'd of. And that *Gaven* should say, "That tho they were but in a low condition themselves, yet they would have Men and Money enough to spare for such a Design.—That the said *Gaven* had many times endeavoured to convince him of the Lawfulness if not the Merit of killing any person whatsoever for the Advancement of their Religion.

As to *Turner*, it was sworn by Dr. *Oates*, that he was at the Consult of *Fenwick's* Chamber, and sign'd the Resolve.

Mr. *Dugdale* also deposed, that *Ewers* had told him that *Turner* was to carry on the Design in *Worcestershire*.—That the said *Turner* had met with *Ewers*, *Leveson* and others, in several places, and had in every one of them given his consent to, and assisted with his Counsel in the carrying on of the grand Design of killing the King, and introducing of Popery.

This was the main of the Evidence for the King. The Prisoner's defence lay chiefly in seeking to invalidate the Testimony given against them; and to prove *Oates* perjured; they produced these *St Omers* Witnesses, who testify'd that he was not in *England* in *April*, viz. Mr. *Hilsley*, *William Parry*, *Doddington*, *Gifford*, *Palmer*, *Cox* (who differed in his Testimony from all the rest, and caused two great Laughters in the Court) *Thomas Billing*, *Townley*,
Fall,

Fall, *John Hall* (Butler), *Cooke* (a Taylor); some of which were so positive, that they affirmed that *Dr. Oates* never lay but two Nights out of the Colledg from *December* till the middle of *June*. — And to prove further, that he did not come over with *Sir John VVarner*, and *Sir Thomas Preston* (as he had deposed elsewhere) one *Bartlet* (a Dutchman) *Carlier Verron*, *Baillee* (who spoke by an Interpreter) *John Joseph* and *Peter Carpenter* appear'd.

Then *Gaven* produced two Witnesses to prove him to be at *Wolverhampton* in *Staffordshire* at the time of the Consult, viz. one *Mrs. Kath. Winford* (at whose House he there lodged) and *Mary Poole*, a Servant in the House; the latter of whom was so lame in her Testimony, as caused both Laughter and Shouts. He produced four more, that affirm'd him to be in *Wolverhampton* the last week in *July*, but none that could speak to the other three weeks in that Month. However he protested his Innocency, and desired to put himself upon the Trial of *Ordeal*.

Then *Whitebread* in his defence offered to prove *D. Oates* mistaken in his Evidence at *Mr. Ireland's* Trial, which the Court would not allow.

Harcourt endeavoured to prove *Dr. Oates* mistaken as to *Ireland's* being with him in his Chamber in *August*. One *Gifford*, the Lady *Southcott*, *Sir John Southcott*, *Mr. Edward Southcott*, (his Son) *Mrs. Harewel*, her Daughter, *Eliz. Keeling*, *Pendrel*, and his Wife, two *Mrs. Giffords*, and one *Mr. Bedloe* affirming him to have been most of that Month in *Staffordshire*.

Fen-

Fenwick offer'd to invalidate Mr. *Bedloe's* Evidence, from his having been an ill Man, &c.

Then Sir *Creswel Levinz* (of Counsel for the King) summ'd up the Prisoners Defence, and to clear Dr. *Oates's* Evidence about *Ireland*, he called *Sarah Pain*, who swore that she saw *Ireland* in *London* about the middle of *August*. And for the Proof of Dr. *Oates's* being in *England* at the time he said he was, Mr. *Walker* (a Minister) Mrs. *Ives*, Mrs. *Mayo*, Sir *Richard Barker*, *Philip Page*, *Butler*, (his Servants) Mr. *Smith* (Schoolmaster of *Islington*) and Mr. *Clay*, a Popish Priest; all deposed as to his being seen in *April* and *May* (78): to which the Prisoners only oppos'd the Number, and-Innocency of their Evidence (being most young Boys). After which the *Ld. Ch. Justice* directed the Jury: and in summing up the Evidence, insist'd particularly on *Dugdal's* Evidence concerning Sir *Edmondbury Godfrey's* Death, as a mighty Confirmation of the Plot. — Then an Officer was sworn to keep the Jury, who withdrew; and the Judges also went off from the Bench, leaving Mr. *Recorder*, and a competent number of Commissioners there to take the Verdict; and about a quarter of an Hour after, the Jury brought them all in *Guilty*. — Then the Prisoners were carried back to *Newgate*, and the Court adjourn'd till eight next Morning. And then Mr. *Langhorn* was tried, and found guilty: After which, they were all six brought to the Bar together, and received Judgment to be *Drawn*, *Hang'd* and *Quartered*: which accordingly was done upon these 5 Jesuits and Priests, on Friday, *June* the 20th, at *Tyburn*.

The

*The Trial of Richard Langhorn Esq;
Counsellour at Law, at the Old-Baily,
on Saturday, June the 14th, 1679.*

HIS Indictment was for conspiring the Death of the King, Subversion of the Government and Protestant Religion: whereto he pleading *Not guilty*, the Jury were impannelled for his Trial; who were,

*Arthur Tong,
Edward Becker,
Robert Twyford,
William Tapp,
John Kirkham,
Peter Pickering;*

*Thomas Barnes,
Francis Neeve,
John Hall,
George Sitwel,
James Wood,
Richard Cawthorne.*

To whom the Indictment being read, *Roger Belwood Esq;* (of Counsel for the King in this cause) opened the Indictment, and *Sir Creswel Levins* proved the Charge. And,

Then *Mr. Dugdale* was first called to give Evidence of the general Design, from which afterwards it would be brought down particularly to *Mr. Langhorn*: who therefore deposed, that he had been in several Consultations for alteration of this present Government, and for the introducing of Popery, and Murther of the King; that he was to have a Sum of Money to be one of them that shou'd kill the King; being put upon it by *Mr. Ewers*, *Mr. Gavan*, *Mr. Lason*, and *Mr. Vavasor*, all Jesuits, that there was then to have

have been a Massacre of the Protestants, and then an Army to have appear'd to have cut off those that might escape the Massacre : that these Consultations were in *Staffordshire* ; one at *Tixal*, another at *Boscobel*, at my Lord *Aston's*, and Mr. *Gerrard's*.—Also that Mr. *Ewers* received a Letter on *Munday*, dated on *Saturday* from Mr. *Harcourt*, which did expresse and begin thus ; [*This very night Sir Edmondbury Gosfrey is dispatched*] with some other words of like Import.

Then Mr. *Prance* deposed that he was told by the Lord *Butler*, that one Mr. *Messenger* a Gentleman of the Horse to the Lord *Arundel* of *War-der*, was by him imployed, and the Lord *Powis* to kill the King, for a good Reward : That Mr. *Harcourt*, in his hearing, said that the King was to be killed by several : And that *Fenwick* said, Mr. *Langhorn* was to have a great hand in it : That then an Army of 5000 Men was to be raised and governed by the Lords *Arundel* and *Powis*, to ruin the Protestants, and settle the Catholick Religion, whereof he hath heard *Fenwick*, *Ireland* and *Grove* speak at the same time together.

Then for the Proof of the particular matters of the Indictment, Dr. *Oates* was sworn, who deposed, That in *April* 1677, he went into *Spain* : and in *September* following, Mr. *Langhorn's* Sons came thither, the one a Scholar of the English Colledg at *Madrid*, the other of the English Colledg at *Valledolid*, to study Philosophy in order to their receiving of the Priesthood. That in *November* following he returned into *England*,
and

and brought Mr. *Langhorn* Letters from his Sons, which he delivered soon after his Arrival to him ; telling him, at the same time, that he believ'd his Sons would both enter into the Society, whereat Mr. *Langhorn* seem'd mightily pleas'd, saying that by so doing they might quickly come to Preferment in *England*, for that things would not last long in the posture they were in. That in the latter end of *November*, he returning to *St. Omers*, Mr. *Langhorn* deliver'd to him a Pacquet to carry thither, wherein, when it was opened, he saw a Letter from him to the Fathers, giving them thanks for their care and kindness towards his Sons, promising them to repay them their charges of his Son's Journey into *Spain* (which was 20 *l.*) telling them that he had writ to Father *Le Chese*, in order to their Concerns ; saying that Mr. *Coleman* had been very large with him, and therefore it would not be necessary for him to trouble his Reverence with any large Epistles at that time, which Letter he saw not, only this account of it. That there was in *March* or *April* after, another Letter from Mr. *Langhorn* to the Fathers at *St. Omers*, about an extravagant Son of his, wherein he also express'd his great care for the carrying on of the Design of the Catholics ; and that the Parliament began now to flag in promoting the Protestant Religion, and that now they had a fair Opportunity to begin, and give the Blow. That in *April* or *May* when the Consult was, to which several of them came over from *St. Omers*, and at which, tho Mr. *Langhorn* was not present, yet that he had Orders from the Provincial to give

give him an account of what Resolutions and Passages, and Minutes pass'd: and this he did, as well as he could, telling him who went Procurator to *Rome* (which was one Father *Cary*) that several of the Fathers were to be admonished for their irregular living, as they termed it; and that it was resolv'd that the King should be kill'd; that *Pickering* and *Grove* should go on to do it (for which *Grove* was to have 1500 l. and *Pickering* 30000 Masses;) upon the hearing of which Mr. *Langhorn* lift up his Hands and Eyes, and prayed God that it might have good Success. That then he saw in Mr. *Langhorn's* Chamber seven or eight Commissions (whereof there were about fifty) by Virtue of a Breve from the Pope, directed to the General of the Society, and signed ΙΗΣ *Johannes Paulus de Oliva*; those he saw, were for the Lord *Arundel* to be Lord Chancellor of *England*; the Lord *Powis* to be Lord High Treasurer; the Lord *Bellasis* to be General; the Lord *Peter* to be Lieutenant General; the Lord *Stafford* to be Pay-Master (or some such office) in the Army; Mr. *Coleman* to be Secretary of State, and Mr. *Langhorn* to be Advocate of the Army.—That he saw the Answers of *Le Cheefe*, and *Anderton* (who was Rector of the Colledg at *Rome*) to Mr. *Langhorn's* Letters to them; and carried the Originals of them, to the Fathers who requested them from Mr. *Langhorn*; wherein *Le Chese* did assure him of his Stedfastness and Constancy to assist the English Society for the carrying on the Cause; And that they should not need doubt, but the French King would stand by them.—That Mr.

Langhorn was employed as Solicitor for the Jesuits, and went with *Harcourt*, *Fenwick*, *Keines*, and *Langworth*, and communicated the Secret to the Benedictine Monks, desiring them to stand by them, with a Sum of Money for the carrying on the Design; upon which, as he heard, that 6000*l.* was promised, and that Mr. *Langhorn* was to receive it; which though he could not prove that he had, yet that he was sure he was much disgusted, that Sir *George Wakeman* was not contented with 10000*l.* to poison the King, saying, he was a covetous Man, that it was in a Publick Concern, and that being it was to carry on the Cause, it was no matter if he did it for nothing; but he was a narrow-spirited, and a narrow-soul'd Physician. That Mr. *Langhorn* also did know of 800000 Crowns come to *France* for *England*, from the Congregation at *Rome*.

Then Mr. *Bedloe* being sworn, there was (as a Confirmation of what Dr. *Oates* had deposed concerning the Commissions) an Instrument produced found by Mr. *Bedloe*, in searching Mr. *Arthur's* Study (a Papist) a good while after Dr. *Oates* had given his Testimony publicly, signed and seal'd just as the Commissions were. He then deposed, that about three Years since he was sent by Mr. *Harcourt* and Mr. *Coleman* with Letters to *Le Chese*; that the Letters were writ at *Coleman's* House, and brought open by Mr. *Coleman* to Mr. *Langhorn's* Chamber in the *Temple*, where the Prisoner read and registred them, and then *Coleman* sealing them up, gave them to him to carry away. "The effect of which was to
"let *Le Chese* know, that they waited only
"now

“ now for his Answer, how far he had proceed-
 “ ed with the French King for sending of Mony ;
 “ for they only wanted Mony, all other things
 “ were in readiness. That the Catholicks of
 “ *England* were in safety ; had made all Places
 “ and all Offices to be disposed of to Catholicks,
 “ or such as they thought would be so ; that all
 “ Garisons were either in their own Hands, or
 “ ready to be put into them ; that they had so
 “ fair an Opportunity, having a King so easy to
 “ believe what was dictated to him by their
 “ Party; that if they slipp'd this Opportunity,
 “ they must despair of ever introducing Popery
 “ into *England* ; for having a King of *England*
 “ so easy, and the French King so powerful,
 “ they must not miss such an Opportunity.—

That about a Year and an half since, Mr. *Harcourt* sent him with another Pacquet of Letters to Mr. *Langhorn* to Register, wherein were two Letters that he before had brought from *Spain*, the one from Sir *William Godolphin* to the Lord *Bellasis* ; the other from the Irish Colledg of *Jesuits* in *Salamanca*. That the Letter from the Rector did specify, That they would have the Lord *Bellasis*, and the rest of the Lords that were concerned, and the rest of the Party in *England*, to be in readiness, and to have this communicated with all expedition ; for that now they had provided in *Spain*, under the Notion of Pilgrims for St. *Jago*, some Irish cashier'd Souldiers, and a great many of Lay-Brothers, to be ready to take Shipping at the *Groin*, to land at *Milford-Haven*, there to meet the Lord *Powis*, and an Army that he was to raise in *Wales* to

further this Design. That also, he met with Father *Keins*, he brought a Letter from Mr. *Langhorn* in his Hand, which he said was a chiding Letter, from the Secretary *de propaganda Fide*, Cardinal *Barbarino*, to Mr. *Langhorn* and the rest of the Conspirators, for going on no faster when they had so fair an Opportunity.

Then *Thomas Buss*, the Duke of *Monmouth's* Cook, was sworn, who (being out of the way before) now deposed to the Plot in general, That he in *September* last being at *Windsor*, heard one *Handkinson* bid one *Anthony* a Portuguese, and the Queen's Confessor's Man, who was then drinking in their Company, that he should have a special care of the four Irish Gentlemen he brought over with him, for that they would do their Business; whom, since he had seen *Coleman's* Trial, he supposed to be the four Irish-Men that were to kill the King. Then this *Anthony* was sent for by the Court to be took up, but *Handkinson* was return'd beyond Sea.

Then the Prisoner, in his own defence, offer'd to the Court, that the two Witnesses against him, *Oates* and *Bedloe*, were Parties to the Crime which was laid to his Charge; and therefore he desired to know, whether they had their Pardon, or no? Which tho it were sufficiently made out, yet the Court for his further satisfaction declared, That whether they had or had not, yet they were good Witnesses, or else they should not have been admitted. Whereupon the Prisoner started another Question; Whether having had their Pardons, they might not fall under the same prospect in Law with an Approver; not as
being

being Approvers, but as under some equivalence of reason for them? From whence he would have inferr'd, That if the Approver be pardoned, the *Appellee* ought to be discharg'd. To which the Court replied, That an Approver was ever allow'd Maintenance, and that there ought to be a proof of corrupt Contract, or Subornation, to invalidate a Testimony. Then the Prisoner desired to know, whether they had ever received, or did not expect Gratifications and Rewards for their Discoveries.

To which Dr. *Oates* declared, That he was 6 or 700 *l.* out of Pocket, and knew not when he should see it again. The Prisoner urged, That Mr. *Reading* had told him, that Mr. *Bedloe* had received 500 *l.* But the Court inform'd him, that was for the discovery of the Murderers of Sir *Edmondbury Godfrey*. Then (these little Passes being all put by, and he having nothing to answer to the Fact) to invalidate the Witnesses, he called in the St. *Omers* Gang, which had all been heard, and baffled but the day before, to prove that Dr. *Oates* did not come over with those Persons he deposed he did, nor at that Time, but was at St. *Omers* in *April* and *May*, which was the only Months they could answer any Questions about; because (as one of those Witnesses very honestly confess'd) the Question that he came for, did not fall upon any other Time. Others of them contradicted themselves, as to what they had spoke the day before; one calling it the 24th of *April* New-Stile, who yesterday call'd it Old-Stile.; another *June*, who yesterday said *July*. And the Woman of the

White-Horse Tavern affirming her House to be little, and that there was never a Room therein that could contain near so many as Dr. *Oates* had deposed had met there at the Consult ; several in the Court presently contradicted her, affirming, that Fifty might dine at once in some of her Rooms. Then Mr. *Langhorne* would have urged something against the Witnesses which they had said at other Trials ; the unreasonableness whereof the Court shew'd him.

Then several substantial Witnesses being sworn, (whereof one was a Papist) deposed, That they saw Dr. *Oates* in *London* in *April* and *May* 1678. which quite contradicted the *St. Omer's* Evidence.

Then Mr. *Langhorn* urg'd the *St. Omer's* Testimony notwithstanding, against Dr. *Oates's* Evidence ; and affirm'd, that he had never seen Mr. *Bedloe* before that day ; and that it was improbable, that one that was in his way of Practice, should become a Clerk to register Letters ; and that there was no proving a Negative ; disclaiming all Principles of Disloyalty, leaving the rest to the Jury.

Therefore the *Ld. Ch. Justice* then summ'd up the Evidence, and directed the Jury : And then a Letter found among *Harcourt's* Papers, five or six days after Dr. *Oates* had given in his Information to the King and Council, was produc'd, and read in Court, to confirm Dr. *Oates's* Testimony about the Consult.

Then an Officer was sworn to keep the Jury, who withdrew to consider of their Verdict ; and the Judges also went off from the Bench. After

a short space the Jury returned, and brought the Prisoner in *Guilty*; upon which there was a very great Shout.

Then the five Prisoners cast the day before, were all brought to the Bar, and received Sentence together, To be *Drawn, Hang'd, and Quarter'd*: Mr. Recorder applying himself first to them in a very handsom Speech.

Which Sentence, after a Month's Reprieve, was executed upon him at *Tyburn*.

The Trials of

Sir George *Wakeman* Bar.

William Marshall
William Rumley
James Corker } Benedictine Monks.

At the Sessions-House in the Old-Baily,
on Friday, July 18. 1679.

THen and there these Prisoners were Indicted for High-Treason, for conspiring the Death of the King, subversion of the Government, and Protestant Religion, whereto they all pleaded, *Not Guilty*.

Their Jury were;

Ralph Hawtrey Esq;
Henry Hawley Esq;
Henry Hodges Esq;
Richard Downton Esq;
John Bathurst Esq;
Robert Hampton Esq;

William Heydon Esq;
John Baldwyn Esq;
Richard Dobbins Esq;
William Avery Esq;
Richard White Gent.
William VVayte Gent.

To whom the Indictment being read, *Edward VVard Esq;* (of Counsel for the King in this Cause) opened the Indictment, and *Sir Robert Sawyer* opened the Charge. And then *Mr. Dugdale* was first called to give a general Account only of the Plot. Who therefore being sworn, depofed, That for thefe feven Years he had known of the Plot, and for two Years particularly; and that in order thereto, the beft way was, to kill the King; and to that purpofe, there were feveral Letters fent weekly into *Staffordshire*, and very often directed to him in a Cover, wherein were feven or eight feveral Letters, as from *Ireland*, *Harcourt*, and *Grove*, to fome Priests in *Staffordshire*, viz. *Ewers*, and *Lewfon*, and *Vavafor*; and many times they writ of the Plots going on to kill the King, advising to Secrecy, and mentioning who fhould be their Officers for an Army to be raifed afterward. That he was engaged to be one of the Affaffinates, firft about two Years ago, but more precifely in *June* or *July* laft was 12 Month, and he fhould have come up for that end to *London*, in *October*, there to have received Directions from *Ireland*; but the Plot breaking forth he was prevented; and that the Lord *Stafford* promifed

mis'd him that he should have 500 *l.* as part of his Reward ; and when the Work was done, he should be better gratified.

Then Mr. *Prance* deposed, That about three Weeks before *Michaelmas*, he heard *Fenwick*, *Grove*, and *Ireland* discoursing, in *Ireland's* Chamber, of 50000 Men that were to be raised for the settling of Popery ; and he asking what poor Tradesmen should do ? *Fenwick* said, That he need not fear, for he should have Church-Work enough to make Crucifixes, Basons, and Candle-sticks, (being a working Gold-smith) ; and that this Army was to be govern'd by the Lords, *Powis*, *Stafford*, *Arundel*, *Bellasis*, and *Petre*.—That he heard that one *Messenger* was to kill the King ; but meeting him, the said *Messenger* told him, They were off that now, but pray'd him however to keep Counsel.

Then Mr. *Jennison* depos'd, That he was in *Ireland's* Chamber in *Russel-street*, when there arose a discourse concerning the hopes of bringing in Popery ; and *Ireland* said, There was only one in the way that stop'd the Gap, and hinder'd the Catholick Religion from flourishing in *England* again ; and said, It was an easy matter to poison the King ; and that this was in *June* 1678. And on the 19th day of *August* he saw *Ireland* again at his own Chamber, (which contradicted what had before been deposed in *Ireland's* Trial, that he never was in *London* after the 3^d of *August* till *September*) ; And this he proved by many remarkable Circumstances, and strengthen'd his own Evidence, by that of Mr. *Bowes*, and Mr. *Burnet*, who proved that Mr. *Jennison* was then in *London*. Then

Then Dr. *Oates* was called, (whose Evidence was to effect directly the Prisoner's) and he being sworn, deposed against Sir *George Wakeman*, That he saw a Letter of Sir *G. Wakeman*'s to *Ashby*, wherein was some Prescriptions he was to observe at the *Bath*; and afterwards an Information, that the Queen would assist him to poison the King.—That a short time after he saw Sir *George* at *Ashby*'s, sit in a writing posture, and saw him lay by his Pen, rise up and go away, and the same hand he left behind him in a Paper where the Ink was not dry, was the same Hand that writ the Letter to *Ashby*.—That in that time of Converse, while Sir *George* was writing, *Ashby* gave him some Instructions concerning the Commission he had received of being Physician to the Army.—That some few days after this, by Command from the Queen, *Harcourt*, *Keines*, *Langworth*, *Fenwick*, and another, did attend the Queen in her Chamber at *Somerset-House*; and that he waiting in an Anti-Chamber, heard a Woman's Voice, (which afterwards he knew to be the Queen's, there being no other Woman there, and he seeing her while she spoke) which did say, "That she would assist them in the Propagation of Popery, with her Estate; and that she would not endure these Violations of her Bed any longer; and that she would assist Sir *G. Wakeman* in poisoning the King.—That he was present when *Ashby*, by Order from the Provincial offer'd Sir *George* the 10000 *l.* in the presence of *Harcourt* and *Ireland*, to poison the King.—That he refused it, not in abhorrency of the Crime,

Crime, but because, as he said, it was too little for so great a Work. — That afterwards 5000 *l.* more was offer'd him, as he was credibly inform'd, by the Order of the Provincial *Whitbread*; But that he certainly saw the Prisoner's Hand to a Receipt in the Entry-Book at *Wild-House*, for 5000 *l.* in part of the said 15000 *l.*

Mr. *Bedloe* deposed, That he was in *Harcourt's* Chamber, last *August*, where he saw *Harcourt* deliver to Sir *George* a Bill of 2000 *l.* (which he said came from the Queen) which was charged, as he supposed, on some *Goldsmith* near *Temple-Bar*. That as soon as Sir *George* had read it, he said, 'twas well, if it would be accepted; that he found more Incouragement from his good Lady and Mistress, than from any of them all. — That the Bill was accepted, and the Mony paid, by the Confession of Sir *George* to the Witness. That the said 2000 *l.* was soon after made up 5000 *l.* and as *Harcourt* told this Deponent, all upon the same account, and in part of the 15000 *l.*

Sir *George* pleaded to all this, That he had been left at Liberty 24 days after he had been before the Council; and that upon Dr. *Oates's* being sent for to the House of Lords to repeat his Evidence, he confess'd there, that he did not know Sir *G. Wakeman's* Hand, and only knew the Letter in question to be his Letter, by being subscribed *G. Wakeman*; concluding from thence, that he would have told more at that Examination had he known more. To which the Doctor replied, That he had been so over-toiled with watching,

watching, and searching after Persons detected, that he was not able to make good his Charge : Which was also confirm'd by the Testimony of Sir *Thomas Doleman*.—But Sir *Philip Floyd*, one of the Clerks of the Council, was more express in behalf of the Prisoner, who acknowledged indeed that Dr. *Oates* did make mention of Sir *George's* undertaking to poison the King, as he had understood by a Letter from *Whitebread* to *Harcourt* ; and that he was inform'd by the same Letter, that *Coleman* had paid him 5000 *l.* of the 15000 *l.* agreed upon : But that being demanded of his own personal knowledg what he could tax Sir *George* withal, he solemnly denied that he had any thing more against him.—To which the Doctor gave the same answer of his extream Weakness and Indisposition as before.

Sir *George* also offered to prove, That there was nothing about poisoning the King, in that his Letter to *Ashby*, Mr. *Chapman*, and *Hunt* his Man, (the first shewing a piece of the Letter, and the other affirming that he writ it from his Master's Mouth, being then indispos'd) but the Court judging this to be some other, and not that Dr. *Oates* swore, this was rejected as no Evidence.—Finally, Sir *George* recommended this one Observation more to the Court ; That in *Oates's* Narrative, there was not one Letter which came from beyond-Sea, to which he did not swear positively as to the Date, and as to the Receipt ; and yet that in the Case of Life he would not be confin'd to a Month. Concluding with a solemn Imprecation, and disclaiming all
the

- the Crime in this Matter that had been charg'd against him.

Against *Corker*, Dr. *Oates* swore, That he was privy to the Promise of the 6000 l. which was to be rais'd among the *Benedictines* for carrying on the Design; and as being President of the *Benedictines* he assented thereto.—That the said *Corker* gave *Le Chese*, and the *English Monks* at *Paris* an account of the *Jesuits* Proceedings in *England*;—And that he had a Patent to be Bishop of *London*, which the Witness had seen in his hand;—And that he disposed of several parcels of Mony (which they called the Queen's Charity) for advancing the Design.—That also he was privy to the Grand Consult in *April*, and excepted against *Pickering's* being made choice of for killing the King, in regard that he being engag'd to say High Mass, an Opportunity might be lost in the mean time.

Mr. *Bedloe* further depos'd against him, That he had been with him in the Company of others at *Somerset-House*, where he heard him discourse in general concerning the Plot; of Letters of Intelligence, and raising an Army; What Agitators the Conspirators had in the Country, and what Interest they had made.

To this *Corker* offer'd, in his Defence, That not knowing his Accusations, he could not come with Evidences to support his Plea.—That there was nothing more easy than to accuse an innocent Person, and that the Circumstances ought to be as credible as the Witnesses: of which there was neither to be found in his Case; using many Flourishes to move the Court and the

the Jury, raising his Arguments from Improbability of Witnesses, to maintain his Allegations. —And the more to invalidate *Oates's* Testimony, he produced one *Ellen Rigby, Elizabeth Sheldon, Alice Broadhead*, who testified, That one *Stapleton* was President of the *Benedictines*, and not himself, and that the said *Stapleton* had been so for many Years.

Against *Marshal Dr. Oates* depos'd, That he was present when the 6000 *l.* was agreed upon, and that he made the same Exceptions against *Pickering* that *Corker* had done.

Mr. Bedloe swore also against him, That he had carried several Letters to Papists in the Country that were in the Design, and particularly one to *Sir Francis Ratcliff*. —And that he had sent Letters of his own twice to others concerning the subverting of the Government, and introducing Popery.

To this *Marshal*, throwing himself upon the Court, whom he besought to manage his Cause for him, as having had so much Trial of their Candour and Ingenuity, he made some slight Reflections upon the King's Evidence; and desir'd the Court to consider how little concern'd he was at his being apprehended, which was no small sign of his Innocency; Relating the manner of it, though very falsely, as *Sir William Waller* then swore. —But the main of his Evidence lay upon this stress, That *Dr. Oates* was a stranger to him, and had mistaken him for some other Person; which also was evidently made out to the contrary; besides, that the Prisoner brought no proof of what he affirm'd
in

in that particular.—The Conclusion of his Defence was, a smooth Harangue, *ad captandum populum*, and in justification of the Crimes of the five Jesuits that had already suffered; which, because it was look'd upon as an affront done to the Justice of the Court, the Ld. Ch. Justice replied, in a very smart and excellent Harangue (*whereat the people gave a Shout*) again upon him, and the Court desir'd him to forbear his Flowers of Rhetorick, which were all to no purpose.

Against *Rumley*, only Dr. *Oates* swore, That he was privy to the Consult for the raising the 6000 *l.* and that he pray'd for the Success of the Design.—And being but one Witness against him, he did not think it needful to trouble the Court with a Defence; And indeed it was the Opinion of the Court deliver'd to the Jury, that they ought to discharge him.

After this the Ld. Ch. Justice summ'd up the Evidences; taking Notice of the weakness of the Prisoners Defences; only expressing himself dissatisfied at Dr. *Oates's* excuse of his own weakness and infirmity for not giving his full Charge against Sir *George Wakeman* at the Council Board: Since he might have charg'd him in the same breath, that he denied he had any thing more against him.—Saying, it was strange that the Prisoners should have so little knowledg, and so little acquaintance with *Oates* and *Bedloe*, and so great a matter as they speak should be true, &c.

As soon as my Lord had done speaking, Mr. *Bedloe* told him he had not summ'd up his Evidence right. His Reply was, *I know not by what Authority this Man speaks.* An

An Officer then being sworn to keep the Jury, the Judges went off the Bench, leaving Mr. *Recorder* and some Justices to take the Verdict. And after about an Hours space the Jury returned, and brought them all four in, contrary to Expectation, *Not Guilty*. After which the Court Adjourned.

The Trials of Andrew Brommich and William Atkins, Priests, at the Summer-Affizes at Stafford. As also of Charles Kern a Priest, at Hereford-Affizes, before the Lord Chief Justice Scroggs, 1679.

ON *Wednesday, Aug. 13. 1679.* the Court sate; And the Night before the Lord Chief Justice having charged the Sheriff to return a good Jury, he now enquired of him if he had observed his Directions; The Sheriff acquainted his Lordship, That since he had impannelled the said Jury, he had heard that one *Allen*, (who had being returned) said in Discourse with some of his Fellows, that nothing was done against the Popish Priests above, and therefore he would do nothing against them here, nor find them Guilty: Whereupon his Lordship called for the said *Allen*, and one *Randal Calclough*, one of his fellow Jurymen, and another Witness upon Oath, who proving the words against him, his Lordship discharg'd him of the Jury, and committed him

to Prison, till he found Sureties for his good Behaviour. And likewise three more of the Jury were discharg'd upon suspicion of being Popishly-affected, his Lordship commanding the Sheriff to return good Men in their Places, which was accordingly done, and the Jury sworn, viz.

Thomas Higgin.

John Webb.

Edward Ward.

Thomas Marshall.

John Beech.

Randal Calclough.

Richard Trindall.

James Beckett.

William Smyth.

William Pinson.

Daniel Buxton.

Richard Cartwright.

Then *Andrew Brommich* being set to the Bar, was Indicted for being a Priest. And to prove him so,

Ann Robinson deposed, That she had received the Sacrament from him about *Christmas* last, according to the Church of *Rome*, in a Wafer; and four times more, before that time, twice at *Mr. Birch's*, and twice at *Mr. Parsall's*.

Then *Jeoffery Robinson* deposed, That he heard him say something in an unknown Tongue, and that he was in a Surplice; but (being a Papist) was hardly induced to say so much.

Brommich's Defence, was only a denial that ever he gave the Sacrament to *Ann Robinson*, or if he did, that it could be no Sacrament unless he was a Priest. He desired also that it might be took notice, that *Robinson* and his Wife, upon their Examinations before a Justice of the Peace said, they did not know him.

Then the Statute of 27. *Eliz.* Cap. 2. was read, and the *Ld. Ch. Justice* summ'd up the Evidence, and the Jury brought him in *Guilty*.

Then *William Atkins* was set to the Bar, having been Arraigned for being a Romish Priest; and his Indictment read to the same Jury.

Then *William Jackson*, being sworn said, He could say nothing.

Francis VVilden deposed, That he heard him say Prayers in an Unknown Tongue, in a Surplice, and had seen him give the Sacrament to seven or eight, according to the manner of the Church of *Rome*, in a Wafer, at Mrs. *Stamford's* House in *VVolverhampton*.

Then *John Jarvis* being called, refused to be sworn, saying, He was troubled with a Vision last Night; But the *Ld. Ch. Justice* told him he mistook; for *Old Men dream Dreams*, 'twas *Young Men see Visions*, and that he was an old Man: Bidding him speak the Truth, and he'd warrant him he should not be troubled with Visions any more, this being a Trick of the Priests.—So he being sworn, deposed, That he had often been relieved by this *Atkins*,—and had heard him say somewhat in an Unknown Tongue, and had Confess'd to him, and often received the Sacrament from him, he being in a Priests Habit.

Henry Brown also deposed, That he was almost turned from the Protestant Religion to that of the Church of *Rome*, but never went further than Confession, and that was to this Man, and then he left them.

Then

Then *Thomas Dudley* deposed, That he likewise was given that way, and had been at Confession with one *Atkins* (whom he believed to be this Man) and had seen him perform several Rites of the Church of *Rome* at *Well-Head* at *Ham.*

Then the Statute was read, and the Prisoner saying, He had neither any Witnesses to call, nor any thing to say, The *Ld. Ch. Justice* summ'd up the Evidence; and the Jury brought him also in *Guilty*. And the *Ld. Ch. Justice* sentenced them both to be *Drawn, Hang'd, and Quarter'd.*

ON Monday, Aug. 4. 1679. at *Hereford*; *Charles Kerne* was brought to the Bar, and being Arraigned, he pleaded *Not Guilty* to the Indictment, which was for being a *Romish Priest*: Then, the Jury being sworn (whose Name's are not inserted into this Trial, only that one *Will. Barret* was Foreman) the Court proceeded to call the Evidence against him.

And first *Edward Biddolph* was sworn, who deposed, that he did not know the Prisoner; that he had seen one of that name 6 Years ago at *Mr. Somerset's* at *Bellingham*, but would not say this was he.

Then *Margaret Edwards* deposed, That she had known *Kerne* five or six Years.—That the first time she ever saw him was at *Mr. Wigmore's* of *Luton*, who told her it was he. That she hath seen him several times since; twice or thrice at

Voebly, and the last time was, the 29th of May was Twelvemonth at *Sarnsfield*, at Mrs. *Monington's*, where she saw him deliver the Wafer (and remembred the Words *Corpus Christi*) to four persons that were there, but she her self did not receive.—She gave also an account of the Reason of her then coming thither, it being at the request of one *Harris* of *Lempster*, whose Wife was sick, to seek some Remedy from Mrs. *Monington* for her.—Telling how the Maid brought her up to the Mistres, how she acquainted her with her Errand, what advice was given her, and how Mrs. *Monington* understanding she was a Papist, took her into the Chappel, whereof she gave a Description.

Then *Mary Jones* deposed, That she knew Mr. *Kerne* about eight Years ago, when she lived at Mr. *Somersets*, and that Mr. *Kerne* lived in the House about half a Year.—That she hath seen several Persons come thither.—And that one Sunday Morning she saw several Persons go up with Mr. *Kerne*, and listning, she heard Mr. *Kerne* say something aloud which she did not understand, there being but a Wall between them.—That also there was a Child Christned in the House, and no one there but Mr. *Somerfet* and his Wife, Mr. *Latchet* and his Wife, and Mr. *Kerne* to do it; but she did not see him do it, though she heard his Voice.—And that once she wash'd a Surplice, but knew not whose it was.

Then the Prisoner, in his own Defence, called one Mr. *Hyet*, who said, That *Margaret Edwards* had denied to him, that she knew Mr.

Kerne,

Kerne, (but not being on her Oath, when she said so, it was not regarded.) Mr. Weston's maid affirmed, That she saw *Margaret Edwards* and *Mary Jones* talking together, and *Marg. Edwards* instructed the other what she should say; (but being called, they both denied it upon their Oaths).

Then Mrs. *Monington* appear'd, who said, She neither knew *Marg. Edwards* nor *James Harris*; and Mrs. *Monington's* Maid denied that ever she saw her at her Mistress's House. Then the Statute being read, of 27 *Eliz.* the Prisoner urged, that Persons that are not Priest's may say Mass, except that of Bread and Wine; and Christen too in *extremis*.

Then the Ld. Ch. Justice summ'd up the Evidence, concluding, *Margaret Edwards* to be a Positive Evidence, but leaving the other doubtful to the Consideration of the Jury, who brought the Prisoner in *Not Guilty*.

The Trial of Thomas Knox and John Lane, at the King's-Bench Bar, on Tuesday, Novemb. 25. 1679. before the Lord Chief Justice Scroggs, and the other Judges of that Court.

Then and there the Prisoners were indicted for a Conspiracy to defame and scandalize Dr. *Oates* and Mr. *Bedloe*, thereby to discredit their Evidence about the Horrid Popish Plot.

To which having pleaded *Not Guilty*, the Jury was sworn, viz.

Sir John Kirke.
Thomas Harriot.
Henry Johnson.
Simon Middleton.
Hugh Squire.
Francis Dorrington.

John Roberts.
Rainsford Waterhouse.
Thomas Earsby.
Joseph Radcliffe.
James Supple.
Richard Cooper.

To whom the Indictment being read,—
Trenchard Esq; of Counsel for the King in this Cause, opened the Indictment, Serjeant Maynard pursued the Charge, and Sir Creswel Levinz, his Majesty's Attorney General opened the Evidence.

Then the Attainders of those Persons executed for the Plot, and the Impeachments of the Lords in the *Tower*, and of the Earl of *Danby* mentioned in the Indictment, being allowed,

Robert Radford, one of his Majesty's Yeomen of the Guard, being call'd and sworn, deposed, That *Richard Lane*, who was a Yeoman of the Guard extraordinary, and Father of this *John Lane*, told him, about a Year ago, that Doctor *Oates* did attempt many times to Bugger his Son; but knowing him to be a lying Fellow, he durst not speak of it again, for fear he would have put it upon him.

Mr. *Thomas Allen* only deposed, that in December last, when *Lane* was out of Dr. *Oates*'s Service, he desired him to interceed for him; which he did, till he was admitted again.

Mr. *Samuel Oates* (the Doctor's Brother) deposed,

posed, That in *April* last, about a Fortnight before *Lane* went from his Brother, he heard him say, (having before wished for 1000 *l.*) that he questioned not but e're long he should find a way to get 1000 *l.*—Then offering to speak to *Osborn*, as to the Thing it self, he was not suffer'd, as being no Evidence against the Defendants, till somewhat had been proved upon them.

Therefore the King's Counsel proposed to prove, that *Lane* and *Osborn* (who, tho laid in the Indictment to join, was run away) did accuse Dr. *Oates*, and afterwards recant it; and that *Knox* had an hand in all this. And to this end,

Sir *William Waller* was called, and deposed, That Justice *Warcup* and he were order'd, by a Committee of Lords, (before whom a Complaint of Dr. *Oates* had been brought, of the horrid abuse of his two Servants, *Osborn* and *Lane*) to take their Examinations; which he did, and that *Lane's* Evidence upon Oath was, That he had been induced by Mr. *Knox* to betray his Master, and to swear several Things against him, which *Knox* had drawn up, and dictated to him, which *Osborn* writ, and he signed them. That there were four Letters, three or four Memorials, and three or four Informations, which they had carried (*Knox* accompanying them) to have sworn them before Mr. *Cheney*; who not caring to meddle with them, they applied themselves to Mr. *Dewy*, who refused them likewise. After this *Knox* took Lodgings for them, removing them to several places, lest Dr. *Oates* should hunt them out; bidding them stand firm

to what they were to do, and they should not want for Reward, that would maintain them with Footmen, and to live well. That *Knox* did, at the *One-Tan Tavern*, drop a Guiny upon the Table, which he said he would not give, because then they might swear that he never gave them any Money : And told them, that the Lord Treasurer would never have surrendred himself to the Black Rod, unless they had promised to stand fast to what he had dictated to them : One part of which Information was, that Mr. *Bedloe* should say to Dr. *Oates*, that the Earl of *Danby* offered him a considerable Sum of Money to go beyond-Sea ; and that Dr. *Oates* had a Design of abusing *Lane's* Body.—That *Lane* further confess'd that Dr. *Oates* would be something hasty and passionate, but was very Religious, and was constant in sending his Servants to Prayers ; and that he had accused him of a Falshood by the instigation of *Knox*, who encouraged him to it, by the Promises of a great Reward.—That also, to prevent a Discovery, it was agreed among them, that if any one should betray it, the other two should murder him.—That he did likewise declare, that the Lords in the *Tower* would not be wanting to acknowledg the kindness in disparaging the King's Evidence.—And that at all the Places, and several Lodgings, and Entertainments they had been at, were all at *Knox's* Charge, except twice which might amount to about 18 *d.* and that he paid.—And upon the Examinations of *Lane* and *Osborn*, he found they agreed together to a tittle.—That he took also the Examination of *Knox*, who said

said, that the Papers he received from *Lane* and *Osborn*, who said, they had writ them out of trouble of Conscience, and desired him to go with them before some Justice to swear them; denying that he paid for their Lodgings, only that he did indeed drop a Guiny, and another time 10 s. upon the Bed, which they took up, but he only lent it them. Confessing, that the Papers so drawn up, and delivered into his Hands, were by him delivered into the Hands of the Lord *Latimer*, and were there for some time; this *Knox* belonging to the Lord *Dunblane*.—

That *Knox* confess'd also, that he sent a Note to *Osborn* that day he was examin'd, which was conveyed to him through the Door, to this effect; *We always Club'd, and you paid two Shillings at the Sugar-Loaf. Tear this.* Which was to intimate that they should say, he did not bear their Charges.

Then Justice *Warcup* being sworn, deposed, That he also had took *Lane*'s Examination, wherein he had confessed as before. That also he was by, when he was brought before the Lords of the Committee for Examinations, and did hear him there first swear the things in these Notes contained; and then come afterward and beg their pardon, and God's, for what he had sworn was false, and this too was upon Oath. That he heard *Knox* confess about the Note to *Osborn*, and he took Lodgings for *Lane* and *Osborn* in *White-Friers*, by the direction of the Lord *Dunblane*'s Coachman.

Then one *Rix* deposed, That he help'd *Osborn* into Dr. *Oates*'s Service, and a while after he and
Lane

Lane came to him, and said, they were both going off from the Doctor to preferment, and should have 100 l. a Year, and 500 l. apiece, but would not tell how. Another time *Osborn* came to him to borrow a Cravat, for he was going to dine with one of the greatest Peers of the Realm, at the other end of the Town, (this Discourse being at *White-hall*); and asking why he would leave *Dr. Oates*? he said, Let *Dr. Oates* look to himself, for he had enough against him. Then perceiving some Design, he gave in his Testimony to Justice *VVarcup*; and upon further inquiry into it, the Lords ordered him to send out his Warrants for the taking of *Knox*, *Lane*, and *Osborn*, which he assigned over to him; and in a short time after they were taken. *Osborn* then confess'd to Justice *VVarcup*, and *Lane* to Sir *VVilliam VValler*. — Afterwards *Rix* drinking with *Lane* in the Prison, would have paid, but he would not let him, for that he had 23 s. which he said *Knox* had sent him in. Another day he came to him, and *Lane* shew'd him a Note (which he had put under the Door) from a Gentlewoman; *That if he would stand firm to his Text, he should have 500 l. nay, he should not want 1000 l. But in case they would not, the Lord Treasurer would never have come in; and if they did not, he would lose his Head:* And this *Lane's* Father and Mother told him afterwards, and that one *Hest* did come and tell them so. — That also *Lane* told him his Heart was lighter now he had confess'd this; and that *Knox* set him on, drew up the Writings, and promis'd him those Rewards.

Then

Then *Richard Slightam* (a Prisoner and Under-Goaler) deposed, That *Knox* gave him three half Crowns at one time, and promis'd him a considerable Sum to carry Notes between him, and *Lane*, and *Osborne*, but he carried none; And when *Osborne* had confess'd, he said it would signify nothing, because two were better than one.

Then Mr. *Dewy* depos'd, That at the end of *April*, or beginning of *May*, *Knox* came to him, with two more with him, and said, the *Ld. Latimer* wish'd him so to do, with Papers ready written, which, as said, were the Informations of one *Osborne* and *Lane*, who had over-heard *Dr. Oates* and Mr. *Bedloe* conspiring against the Lord of *Darby*; but the Parliament then sitting, he shifted them off, and did not inspect them.

Then Mr. *Henry Wiggins* (Mr. *Bedloe's* Clerk) deposed, That *Knox* came to him, the latter end of *February* last, and desired him to get him a Copy of his Master's Papers, and take a Journal of his Actions and the Names of the Persons that came to him; and that the Lord Treasurer would incourage him for his pains; saying, That *Oates* and *Bedloe* were two great Rogues, and that the King knew them to be so, and believed not a Word they said; and as soon as he had heard all they could say, they should be hang'd.

Then Mrs. *Wiggins* deposed the same, as being present all the time that *Knox* was with her Son, who refused that her Son should consent or go then with him, as *Knox* motion'd, to the Lady *Darby* for assurance of Encouragement, and

and any Place in her Lord's disposal.

Then Mr. *Palmer* (a Yeoman oth' Guard, and one that attended Mr. *Bedloe*, and got *Wiggins* into his Service) deposed, That Mr. *Wiggins* made a discovery to him of what *Knox* had said to him, for to acquaint his Master with, which he did.

Then Mr. *Thomas Dangerfield*, deposed, That he in *June* was imployed by the Lady *Powis* to look after the Prisoners, *Lane* and *Knox*, in the *Gate-House*, and did furnish *Lane* with Mony, and got him bail'd out; after which he was entertain'd at *Powis-House*, and then removed, and had 10 s. a week allowed him, and was clothed.—That *Knox* afterward got his Liberty, by the means of one Mr. *Nevil*, who was furnished with Mony from the Lords in the *Tower* for that end. From this *Knox* he received several Papers, which were Informations against *Oates*, which he sent to the *Tower*, and thence they were sent to Mr. *Nevil* to enlarge upon, and after to the *Ld. Castlemain*, and then to him again by Mrs. *Celier*, with an Order to draw up an Affidavit according to those Directions, and get *Lane* sworn to the same; which he did before Sir *James Butler*, (it being about Bug-gery); and then he deliver'd the Papers so enlarged, to *Knox* again: Who some time after inform'd the Witness, that he had got *Osborne* sworn also to the same Informations, and shew'd him the Affidavit, whereof he gave an Account to the Lady *Powis*; who, understanding his Poverty, order'd him Encouragement, and accordingly he had 40 s. from the Witness, which he believed came from the *Tower*, as also that

that 10 s. a Week allowed for *Lane*. An Indictment was hereupon to have been drawn up against *Oates*, by the Advice of Mr. *Nevil*, and this Witness, against this Term.

Then the King's Counsel moved for the reading of these Informations. The Justices swore them, and then the Information of *Knox* was read, which was a relation how *Osborne* and *Lane* brought him the Informations against *Oates*, desiring him to assist them in getting them sworn to them.—A Second Paper was offered to be read, but there appearing Scandalous Matter to be in it, reflecting on the King, the Court thought not fit to suffer any more to be read.—And so the Counsel for the Defendants were called upon to speak. Accordingly Mr. *Wishens*, Mr. *Saunders* and Mr. *Scroggs*, endeavoured to defend their Client *Knox*, by throwing the Guilt upon *Lane* and *Osborne*, as if they had induced him in, and he only acted for them out of Simplicity, and great Innocency; And to this end they produced *Lane's* Mother and Sister, to shew that *Lane* and *Osborne* applied themselves to *Knox* first. Mr. *Holt* and Mr. *Williams* were of Counsel for the Defendant *Lane*, who endeavour'd (in requital) to throw the Guilt upon *Knox*, as being the Inducer, making it a Battel Royal, where every one has two Enemies to oppose.

But the Case being clear, the Court thought it needless to sum up the Evidences, or the Jury to go away from the Bar; so laying their Heads together, they presently declared them *Guilty*. At which the People gave a great Shout: and the

the Prisoners were taken into the Marshal's Custody.

The Trials of Lionel Anderfon, alias Munson. William Ruffel, alias Napper. Charles Parris, alias Parry. Henry Starkey. James Corker. William Marshal, and Alexander Lumsden, a Scotchman; at the Sessions-house in the Old-Baily, on Saturday Jan. 17, 1679.

THese Prisoners then and there appearing, their Indictment was for High-Treason as Romish Priests, upon the Statute of 27 *Eliz.* cap. 2.

David Joseph Kemish, who was arraigned with them for the same Offence, after he had pleaded, was set aside by reason of Sickness.

Corker and *Marshal* both pleaded that they had been already tried and acquitted for this Offence: but the Court convinc'd them to the contrary, it being another Fact.

The Jury then sworn were,

*John Bradshaw,
Lawrence Wood,
Matthew Bateman,
John Vyner,
Francis Mayo,
Martin James,*

*Anthony Hall,
Samuel Jewel,
Richard Bealing,
Thomas Hall,
Richard Bromfield,
Samuel Lynne.*

To

To whom the Clerk of the Crown read the Charge againſt *Lionel Anderfon* (all the reſt being ſet away); and *Roger Belwood*, Eſq; opened the Indictment, Sir *John Keiling* purſued the Charge, and Serjeant *Strode* (all of Counſel for the King in this Cauſe) managed the Evidence. And then Mr. *Dangerfield* ſwore againſt him, That when he was a Priſoner in the *King's-Bench* for Debt, this *Anderfon* ſhew'd him a Letter from the Lady *Powis*, which was to deſire the Witneſs to ſcour his Kettle, which was to confeſs and receive the Sacrament to be true to the Cauſe. The next day accordingly he went into *Anderfon's* Chamber to Confefſion, and received Abſolution, and the Sacrament from another, to whom *Anderfon* ſent him that was ſaying Maſs at that time. After which returning to *Anderfon* again, he told him, that he as a Prieſt did give him free Toleration to go and be drunk with one *Stroude*, being for the good of the Cauſe (he being to bring over this *Stroude* to be a Witneſs for the Lords in the Tower, to invalidate Mr. *Bedloe's* Teſtimony). Dr. *Oates* depoſed, that he was a Prieſt, a *Dominican* Friar, that he had heard him ſay Maſs, ſeen him conſecrate the Sacrament, been at Confefſion with him, and ſeen his Letters of Orders, as a Prieſt, which he confeſs'd to him he had from *Rome*, and that he was an *English-Man*, and the Son of an *English* Gentleman.

Mr. *Bedloe* depoſed, That he was a Prieſt and an *Englishman*, and Mr. *Anderfon's* Son of *Oxfordſhire*, and he was told, that he had heard him ſay Maſs, and ſeen him adminiſter the Sacrament

crament at some of the Embassadors Houses.

Mr. *Prance* deposed, That he had heard him say Mass several times at *Wild-house*, and had seen him there take Confessions, and give the Sacrament, having known him seven Years.

To this the Prisoner pleaded, that it had not been proved that he was an *English-man*, tho his Speech betrayed him, and confess'd his Father was a *Lincolnshire-Man*, and that he had been countenanc'd by the King and his Council, and known to most of the dignify'd Clergymen, and if the Parliament had not been dissolved, he had been protected by them for his writing against the Temporal Power of *Rome*, and that he was therefore excommunicated by the Church of *Rome*, and had not said Mass in any Parish Church this ten Years: And that this Statute was only *ad Terrorem*, and ought to be taken most strictly in his favour. The *Ld. Ch. Justice* then gave a short Charge to the *Jury* concerning him and set him aside. And then the *Jury* was charged with *James Corker* as with the other; against whom *Dr. Oates* deposed, that he was a *Benedictine Monk*, and before 1674, one of the Queen's Priests; that he had heard him several times say Mass in a Monks Habit, at *Somerset-House* and the *Savoy*, and himself had received the Sacrament from him at the *Savoy*, and had seen his Patent from *Rome* to be Bishop of *London*.

Mr. *Bedloe* deposed, That he had seen him wear the Habit of a *Benedictine Monk* before the Suppression of the *Convent* in the *Savoy*, and
had

had seen him take Confessions, and Absolve in *Somerset-House*.

Mr. *Prance* deposed, That he heard him say Mass once at Mr. *Pafton's* in *Duke-street*, about two Years ago.

The Prisoner's Defence was only a flat Denial, that ever he said Mass either in *Somerset-house*, or Mr. *Pafton's*. So the Jury was charged with *William Marshall* as with the other; against whom Dr. *Oates* also deposed, that he had heard him say Mass several times within the compass of three Years, in a *Benedictine Monks Habit*, and seen him Absolve, and consecrate the Host, and give the Sacrament at the *Savoy*.

Mr. *Bedloe* could only depose, that he saw him once in the *Savoy* in his Monks Habit, and was told he was going to take Confessions.

Mr. *Prance* deposed, that at his last Trial he heard *Marshall* say to *Corker*, *Tho we are Priests, this does not reach us*.

Mr. *Dugdale* deposed, that he also then heard him confess himself a Priest: To this the Prisoner pleaded, that he made no such Confession; or if he did, it ought not to be Evidence against him. That he was almost a Stranger to the *Savoy*, and *Oates* was never seen there but once, and was not to be believed now, because the Jury did not convict him upon his Testimony when he was tried before, and that it was now a Prosecution of his former Malice again to accuse him after he had been disbeliev'd. For all which false Inferences having been rebuked by the Court; the Lord Chief Justice summ'd up the Evidence: And proceeded to *William*

crament at some of the Embassadors Houses.

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Mr. *Dugdale* deposed, that he also then heard him confess himself a Priest: To this the Prisoner pleaded, that he made no such Confession; or if he did, it ought not to be Evidence against him. That he was almost a Stranger to the *Savoy*, and *Oates* was never seen there but once, and was not to be believed now, because the Jury did not convict him upon his Testimony when he was tried before, and that it was now a Prosecution of his former Malice again to accuse him after he had been disbeliev'd. For all which false Inferences having been rebuked by the Court; the Lord Chief Justice summ'd up the Evidence: And proceeded to *William*
H *Russel,*

Ruffel, alias *Napper*, with whom the Jury being charg'd as the others, *Dr. Oates* deposed, that he had heard him say Mass in his Priests Habit, and himself had received the Sacrament from him at *Wild-house*, and that he was a *Franciscan* Friar.

Mr. Prance deposed, that he had heard him say Mass twenty times, and seen him give the Sacrament, and hear Confessions at *Wild-house*.

Sir William Waller depos'd, that when he took him, he found Religious Habits among his Clothes, which he owned to be his.

To all which the Prisoner had little to say more than denying all. Therefore *Charles Parris*, alias *Parry*, was charged to the Jury as the rest. And against him *Dr. Oates* swore that he had heard him say Mass at *Wild-house* and *Mr. Paston's*, and consecrate the Host, and give the Sacrament in Priests Habit.

Mr. Prance swore, that he knew him to be a Priest, and had heard him say Mass at the *Venetian* Ambassadors, and at *Mr. Paston's*, and that he bought Oil-boxes once of him and brought him a Chalice, and would not suffer him to touch it till himself had first broke it; and that he heard him confess himself to be a Priest.

The Prisoner denied all, and said that he knew not *Prance*, and that he was at *Windfor* the time that *Oates* swore he heard him say Mass, and produced one *Lanscroon* and *Jacob* (Painters) who testified to his being there from before *Christmas* 1677, to *All hallontide* 1678; but the time *Dr. Oates* swore to was *November* before. He offer'd the *Venetian* Embassador's
Certi-

Certificate that he never ſaid Maſs in his Houſe, which was reſuſed (the Embaſſador being gone away) and Monſieur *Rivier*, one of the Embaſſador's Servants, teſtified he never ſaw him there; but the Court rejected ſuch Teſtimony. And the Ld. Ch. Juſtice having ſumm'd up the Evidence, went out of the Court; and *Henry Starkey* was next ſet up, with whom the Jury was charged as with the others. And againſt him Dr. *Oates* depoſed, that the Priſoner was a Prieſt, and he heard him once ſay Maſs at Mr. *Paſton's* in the Habit, and ſaw him conſecrate the Hoſt, and receive in both kinds.

Mr. *Prance* depoſ'd, that he heard him confeſs himſelf to one Mr. *Duncomb* a School-maſter, that is dead, that he was a Prieſt, and heard him ſay Maſs at his Houſe, and the Lady *Somerſet's*, and Mr. *Paſton's*, and had heard him ſay that he ſaid Maſs in the King's Army.

To this the Priſoner pleaded how he had appeared for the King, when he had but 500 Men; that he was an Eſquires ſecond Brother, and had ſpent in the King's Service above 5000*l.* which he had got himſelf, and bled for it before he had it; and that he ſpent his Annuity of 140*l.* a Year for the King, and had loſt his Leg for him, and diſcover'd to him a Plot againſt his Perſon, State, and Government, and that he ſuffer'd to this day for it. But as to his being a Prieſt he ſaid nothing, but left it to the Proof, which the Ld. Ch. *Baron* ſumm'd up. And then the Jury was charged, as before, with *Alexander Lumsden*, againſt whom Dr. *Oates* ſwore that he had heard him ſay Maſs twenty times at *Wild-*
house,

house, and had seen him consecrate the Host, and had received the Sacrament from him, and that he was a *Dominican Friar*, and was *Procurator General* for the Kingdom of *Scotland*, being a *Scotsman*.

Mr. *Dugdale* swore, that he heard him confess himself a Priest, that day he was taken.

Mr. *Prance* depos'd, he had heard him say Mass twenty times at *Wild-house* in his Habit, and seen him consecrate the Host.

The Prisoner said he was a *Scotsman*, born at *Aberdeen*. The *Ld. Ch. Baron* summ'd up the Evidence, and the Jury withdrew for about a quarter of an hour, and brought in *Anderson, Corker, Marshall, Russel, Parry* and *Starkey* Guilty; and *Lumsden* guilty of being a Priest, and born at *Aberdeen* in *Scotland*. Then the Judges went off the Bench, and the Court proceeded to Judgment; *Anderson* said he had gone out of *England* before, but that the King kept him, telling him he had need of his Service, and he had a Protection from the Council-Board. The *Recorder* promis'd him to acquaint the King with what he said, but that he must now be sentenc'd. *Corker* said little; *Marshall* said much to little purpose, urging his Majesty's Declaration for Liberty of Conscience, and that there was no Crime in Priesthood it self. *Russel* only deny'd what had been deposed against him. *Parry* said that he was a *French-Man*, tho of *English* Parents. *Starkey* pleaded his Merits as he did before. And then *Lumsden* being set aside, Mr. *Recorder* sentenc'd these six to be drawn, hang'd and quartered.

*The Trial of Sir Thomas Gascoyne, Bar.
At the King's-Bench-Bar at Westminster,
before the Ld. Ch. Justice Scroggs,
on Wednesday, Feb. 11. 1679.*

Here the Prisoner was arraigned upon an Indictment for High-Treason, for conspiring the Death of the King, the Subversion of the Government and the Protestant Religion, on Saturday *January 24, 1679*. To which he pleaded *Not Guilty*, desiring a Jury of his own Country-Men, which was promised him; and some Friend to assist him, because he was deaf, being above 85 Years of Age.

On Wednesday *Feb. 11*, following, the Prisoner being brought to his Trial, the Jury sworn after several Challenges, were

*Sir Thomas Hodson,
Richard Beaumont, Esq;
Stephen Wilks, Esq;
Jervas Rockley, Esq;
Robert Leeke, Esq;
William Batt, Esq;*

*Charles Best, Esq;
John Cross, Esq;
Barton Allett, Esq;
William Milner, Esq;
John Oxley, Esq;
Francis Oxley, Esq;*

To whom the Indictment being read, Mr. *Dor-mer*, Serj. *Maynard*, and Mr. *Attorn. Gen.* opened the same.

And then Mr. *Bolton* being sworn, deposed, that he came to live with Sir *T. Gascoyne*, in 1674, as Steward of his Cole-works, and in 1675, he being fearful of his Estate, lest it might be liable to be forfeited to the King, he

was a Witness to a collusive Conveyance thereof, and saw him colourably receive 1000*l.* of Sir *William Ingleby*, he and one *Matthias Higgringil*, helping to count the Money. In 1676 he heard the Prisoner say to one *Christopher Metcalf*, that he was resolved to send 3000*l.* to the Jesuits in *London*, for the carrying on of the Design; and that he would return it by 300*l.* at a time, to prevent Suspicion, by the hands of *Richard Phisicke*; and about the beginning of (77) he heard the Prisoner say, that he had returned it, and that if it had been a thousand times as much, he would be glad to spend it all in so good a Cause. In (77) that there was a Consult at *Barnbow-Hall* in *Yorkshire* (which is the Prisoner's House) where was Sir *Miles Stapleton*, *Charles Ingleby* Esq; Esquire *Gascoyne*, the Lady *Tempest*, *Thomas Thwing*, Sir *Walter Vavasor*, Sir *Francis Hungate*, Mr. *Middleton*, *Robert Killinbeck* a Jesuit, and *William Rushton* a Priest; their discourse was about establishing a Nunnery at *Dolebank*, in hopes that the Plot of killing the King would take effect; resolving they would venture their Lives and Estates to further it. And the Prisoner concluded to give 90*l.* a Year for ever, for the maintenance of this Nunnery. Upon which they all agreed, that after his Death, he should be canonized a Saint. Accordingly the Prisoner did erect a Nunnery at *Dolebank* near *Ripley*, where Mrs. *Lashalls* was Lady Abbess, Mrs. *Beckwith* and Mrs. *Benningfield* her Assistants, *Ellen Thwing*, *Eliz. Butcher*, *Mary Root* & others were Nuns; here they were to reside till the King was kill'd, and then to remove to *Heworth* near *York*; and here they did reside

reside near a Year and an half till the Plot was discovered, and he had seen several Letters from them to the Prisoner——That about *March* last Esquire *Gascoyne* and Mr. *Middleton* got Licences from a Justice of Peace to travel to *London*, and he heard them tell the Prisoner they designed to fly into *France*; and accordingly sold off their Goods; the Prisoner approving their Resolution.——That on *May* the 30th last, the Prisoner bid the Witness go into the Gallery, where one *William Rushton* his Confessor came to him, and discours'd him about his having taken the Oath of Allegiance, telling him it was a damnable Sin, he having thereby denied the Power of the Pope to absolve him from it; but that the Pope had Power to depose the King, and had done it, and that it was a meritorious act to kill the King; and if he would undertake to do it, he would assist him, and give him Absolution: quoting that Scripture, *Thou shalt bind their Kings in Fetters, and their Princes in Chains*; concluding that the King was deposed, and it was meritorious to kill him, and that unless he would turn Roman Catholick, the Pope would give away his Kingdoms to another.——The same day the Prisoner talked with him in his Chamber, and inquired of him what *Rushton* had said to him; which he told him; and then taking him by the hand, the Prisoner told him, if he would undertake a design that he and others had to kill the King, he would give him 1000*l.* but refusing to be concerned in Blood, he desired him of all Love to Secresy.——That in *September* 1678. he heard the Prisoner tell his Daughter,

Lady *Tempest*, that he would send 150 l. to *Dolbanks*, in hopes the blow would be given shortly; which she seemed to like; and he heard a Letter read afterwards from *Cornwallis* that he had received it, but it was too little for the carrying on so great a Design. That he was a Protestant when he came first to the Prisoner's Service, and turn'd Papist about *Whitsonide*, 1675. and left his Service in good Friendship, *July* the 1st, 1678. and turn'd Protestant again in *June* 1679. when he first made this discovery.

Mr. *Mowbray* deposed that he came to lie with Sir *Tho. Gascoyne* the beginning of 1674. and used to wait upon him in his Chamber, and to be diligent in attending Mr. *Rushton*, his Confessor, at the Altar, who therefore permitted him to be present in his Chamber, where he heard him and other Priests discoursing in 1676 of a Design laid for setting up Popery, and how likely it was to succeed, most of the considerable Papists in *England* having engaged to act for it, and if it could not be done by fair means, force must be used; declaring that *London* and *York* must be fired; and that the King in Exile had promised the Jesuits beyond Sea, to establish their Religion, whenever he was restored, which they now despaired of, and therefore he was adjudged an Heretick, and was to be killed; and *Rushton* told the other Priests that according to Agreement, he had given the Oath of Secrecy and the Sacrament to the Prisoner, and his Son and Daughter, who had engaged to be faithful, active and secret. That about *Michaelmas* there was another meeting of these Priests

Priests and others; where they declared, that the King was an Heretick, and that the Pope had excommunicated him, and all other Hereticks in *England, Scotland and Ireland*, and that force was to be made use of. And then did *Rushton* produce a List of about 4 or 500 Names, of them that were engaged in the Design of killing the King, and promoting the Catholick Religion; which *Rushton* read over, among which were the Names of the Prisoner, *Tho. Gascoyne Esq;* the Lady *Tempest*, Mr. *Vavasor*, Sir *Francis Hungast*, Sir *John Savile*, the two *Townleys*, Mr. *Sherborn* and others; and he knew the Prisoner's Name to be writ by his own hand. They declared also, that the Pope had given Commission to put on the Design with speed; and had given a plenary Indulgence of 10000 Years, for all that should act either in Person or Estate for killing the King, and setting up Popery in *England*, besides a Pardon and other Gratifications. That the Priests that used thus to visit *Rushton*, were one *Addison*, *Fincham*, *Stapleton*, *Killingbecks*, and *Thwing* the elder.—That about the same time he heard the Prisoner, the Lady *Tempest*, Sir *Miles Stapleton*, Dr. *Stapleton*, and *Rushton* discoursing the same things, and unanimously conclude, that it was a meritorious Undertaking, and for the good of the Church, wherein they would venture their Lives and Estates.

Then Sir *Thomas Gascoyne's* Almanack was produced, and several short Notes read out of it, which he owned to be writ by himself, viz. *The 15th to Peter for a 100l. to Corker.*—*Q. of Mr. Corker, what Bills, for how much, and to whom directed,*

rected, he hath received of me since July the 21st, 1677. to June 1678. *Vid. the Book, p. 45. and the great Book fol. 54. where you may find 8 for 900l. and agree in this account Corker, the 7th of August 1678.—Take Heworth at an easy rent of the Widow, and purchase the Reversion of Craddock—and in the interim Dawson.—Mr. Harcourt, next house to the Arch within Lincolns-Inn-Fields, Mr. Parrs.—April the 15th, 1676. Memorand. Acquaint Mr. Thomas Thwing with the whole Design. Concerning all which the Prisoner gave but a very shuffling account.*

Then two Letters from *Placid, alias Cornwallis*, to *Sir Tho. Gascoyne*, and found among his Papers by *Bolton*, were read. The first was dated from *Dolebank*, June the 9th, 1678. expressing Thanks for his charitable Favours; and speaking of a *Proviso* to be inserted into the formal Writing, viz. “That if *England* be converted, “then the whole 90 *l. per annum* is to be applied “here in *Yorkshire*, about, or at *Heworth*, &c. “—requesting the formal Writing might be “drawn as soon as possible, and without making “any material Alteration from what he had already signed, save only the *Proviso* above “written.—The other was dated from *York-Castle*, May the 24th, wherein he acquaints him with his Confinement and others, and how chearful they were, in hopes God would make all Catholicks of one mind; for that he had a Letter from their Superiour at *London* (who was the same day taken and carried to Prison) wherein he declares, alledging Authority, “That the “pretended Oath of Allegiance cannot be taken,
“as

“ as it is worded, adding, that three Breves
 “ have formerly been sent from the Pope, ex-
 “ pressly prohibiting it ; and in the third it is de-
 “ clared damnable to take it. And that the day
 “ before they had a Letter communicated to
 “ them, sent by Mr. Middleton (now at Paris)
 “ to his Friends here, containing the Attestation
 “ of all the Sorborn Doctors against it ; adding,
 “ that whosoever here in England give leave,
 “ they deceive the People, and are contrary to
 “ the whole Church. That there was also a
 “ meeting some Years ago, of all the Superiors
 “ both Secular and Regular, wherein it was unani-
 “ mously declared that it could not be taken, &c.

Then Mr. Phiswick deposed that he had re-
 turned great sums of Money for the Prisoner at
 London.

To all this the Prisoner in his own defence,
 called several witnesses against the Credit of the
 Kings Witnesses, who had deposed this against
 him.

Mr. Babbington testified that there was, last
 Spring, some Debates and Differences about
 Rent and Money that was owing by Bolron to the
 Prisoner. That he (being the Prisoner's Attor-
 ney) laboured and interceded often on Bolron's
 behalf, but at length not being able to prevail
 that he should not be sued, Bolron swore that he
 would then do that which he did not intend to do.

Obadiab Moor said that Bolron got him to be
 bound with him, telling him, he needed not fear
 any Suits, because if Sir Thomas sued him, he
 would inform against him for keeping Priests.
 And that since he discover'd, he desired him to be

be kind, and not to harm him, because he had often denied, and sworn it, that Sir *Thomas* was not concerned in this Plot.

Stephen Thompson said, that he also being bound with *Bolton* for the Mony, he urged him for Paiment; who on *Holy-Thursd*ay told him, that if Sir *Thomas* did sue him, he would do him an ill turn.

William Blackhouse said, that when he went to fetch *Bolton* and his Wife to testify what they knew, before a Justice of Peace; that *Bolton's* Wife said she knew nothing against Sir *Tho. Gascoyne*; but *Bolton* said she must go, or he would have her drawn at the Cart's Arse.

— *Hamsworth* said, he heard *Bolton* threaten his Wife to tie her to the Horses Tail, if she would not go to swear against the Prisoner, against whom she said she knew nothing.

Nicholas Shippon said that on *May* the 30th last, *Bolton* was at his House from two a Clock till an hour after Sun-set; which *Bolton* denied, saying, he was not there above half an hour, being the rest of the day at Sir *Tho. Gascoynes* seeing them mark Sheep.

Roger Gresson said, that in *August* last, *Bolton* being newly come from *London*, and he inquiring how Sir *Tho. Gascoyne* did (who was then in the *Tower*) he told him he was well, and may come off well enough, but it would cost him a great deal of Mony.——And that the King was at *Windsor*, where one of the privy Council made an attempt to stab him, but the King made his escape, and now they would believe his Informations the better.

James

James Barlow appeared to have spoken to a Combination between him and *Mowbray* to have wrong'd the Prisoner of some Mony; but he being a Person concern'd with the Prisoner in the Plot, was not suffered to speak.

George Dixon, a Cloth-worker in *Leeds*, said he saw *Mowbray* and *Bolton* a drinking in *August* last, at *William Batley's* near the Old Church in *Leeds*, and over-heard them, contriving to swear against the Prisoner and the Lady *Tempest*; but *Mowbray* said he knew nothing against Sir *Thomas*; but that if he knew any thing against the Lady *Tempest*, he would discover it; for he would hang her if he could.

William Batley testified the same; only they contradicted one another; this Man saying they stood at the head of the Stairs, the other at the foot; one saying they could see them, the other that they could not.

Mrs. *Jefferson* said, that in *August* last, she heard *Mowbray* say that he thought Sir *Tho. Gascoyne* was an honest Man, and wrongfully accused.

Matthias Higgringil said that in *September* last *Mowbray* and Mr. *Legat* being at an Ale-house, consulting how to disgrace the Prisoner, and take away his Life; *Mowbray* called him aside, and told him, now he should match them (meaning Sir *Tho. Gascoyne* and the Lady *Tempest*) for that they had done what they could to disgrace him (he having been charged with taking away some Silver and Gold) but now he would requite them.

Francis Johnson only said the Prisoner had sustained Losses by *Bolron*, but knew of no Malice between them.

Mr. Pebles, Clerk of the Peace in the County of *York*, said he met with *Bolron* last Assizes at *York*, and after some discourse *Bolron* told him he had something against him; and afterwards got a Warrant of the Council against him; for keeping a Man from taking the Oath of Allegiance for Mony; —but could never prove it; and that he had an ill fame in the Country. — But *Bolron* said one confessed to the Justice, that he had given *Pebles* 40s. but would not swear for what.

Hardwicke spoke only to the Unwillingness of *Bolron's* Wife to go to swear before a Justice of Peace.

William Clow said he had a Writ against *Bolron* at the Suit of *Higgringil* (a Servant to the Prisoner) which was served upon him, *May* the 22^d last, and he begg'd he might not go to Goal till *Higgringil* came, for he would make *Sir Thomas* pay his Debt for him, or he would play him such a trick as he little dream'd of.

Mr. Hobart then gave some account of the Money returned by the Prisoner to *London*, he having drawn the Receipts for it, which was returned by *Mr. Corker* for the Prisoners Niece *Mrs. Apleby*, who was beyond Sea.

Then a Woman witnessed, that *Mowbray* was suspected of stealing, while he lived with the Prisoner; and proffered her 5 *l.* to have gone away, intending (as he told her) to have clapped her in Prison, and laid it upon her.

Then

Then the Prisoner having no more Witnesses, and referring himself to the Judgment of the Court; the Kings Counsel endeavoured to vindicate the Credit of their Witnesses; and first Sir *John Nicholas* (Clerk of the Council) deposed that the Prisoner did before the Council say that he had nothing to say to *Bolron's* Honesty, till of late that he had not behaved himself so well in giving Informations against him. But he did find him now, what he did always take him to be, a Fool: And that he denied at first that he knew *Rushton* the Priest; and afterwards the next time he came to the Council, he said he did deny it, because he was afraid of an old Law against harbouring of Priests.

Mrs. *Bolron* also deposed that her Husband never threatned her, if she would not swear against the Prisoner.

Mrs. *Bolron* sen. (Mr. *Bolron's* Grandmother) swore the same; and that she heard the Prisoner say Mr. *Bolron* was an honest true Servant; and he would do any thing he could for him.

Mr. *Phiswicke* also deposed that he knew no ill by Mr. *Bolron*, but that he was an honest Man.

After this Serj. *Maynard*, Mr. *Sol. Gen.* Mr. Justice *Jones*, Mr. Justice *Dolben*, and Mr. Justice *Pemberton* summ'd up the Evidence (the *Ld. Ch. Justice* having been some time before gone off the Bench, being to sit at *Nisi Prius* at *Guild-hall*) And then the Jury withdrew for about half an hour, and then brought the Prisoner in *Not Guilty*.

The Trial of Henry Care, Gent. at the Guild-hall in London, before the Ld. Ch. Justice Scroggs, on Thursday, July the 2d. 1680.

THen and there the Defendant appeared; against whom an Information in *Hillary-Term*, the 11th of *February*, had been brought in the Crown-Office, charging him to be Author of the weekly *Packet of Advice from Rome, or the History of Popery*; particularly for that of the 1st of *August*, 1679. and to which by his Attorney, he pleaded then *Not Guilty*.

His Jury were,

Nicholas Bondy,	Arthur Young,
Leonard Bates,	William Tap,
Henry Avarie,	James Wood,
Randal Dod,	Thomas Gilby,
Nicholas Caplin,	John Odenfel,
Richard Cawtham,	Emanuel Coniers.

Mr. Recorder having opened the Information, Mr. Stevens, Printer, deposed that he printed the *Pacquet*, and had several from Mr. Care, and knew of none that ever was printed, but by him or his order; that he had treated with Mr. Care, as if he were the Author, which he always supposed; and that his Boy had brought several of them to be printed.

The

The Printer's Servant deposed, That he had fetch'd some of these Papers from Mr. *Care's* own Hands; and that sometimes his Boy brought them; and that none came, as he knew of, from any Body else.

Then the Paper of *Aug. 1. 1679.* was read by the Clerk, which was as followeth:

" There is lately found out, by an experienced Physician, an incomparable Medicament, called, *The Wonder-working Plaister*; truly *Catholic* in Operation, somewhat of kin to the *Jesuits Ponder*, but more effectual. The Virtues of it are strange and various: It makes Justice deaf, as well as blind, and takes out Spots of the deepest Treason, more cleverly than *Castle-Soap* does common Stains. It alters a Man's Constitution in two or three days, more than the Virtuoso's transfusion of Blood in seven Years. 'Tis a great *Alexipharmick*, and helps Poisons, and those that use them. It miraculously exalts and purifies the *Eye-sight*, and makes People behold nothing but Innocency in the blackest Malefactors. 'Tis a mighty *Cordial* for a declining Cause; it stifles a *Plot* as certainly as the *Itch* is destroyed by Butter and Brimstone. In a word; It makes Fools *wise Men*, and wise Men *Fools*, and both of them *Knaves*. The Colour of this precious Balm is bright and dazling; and being applied privately to the Fift, in decent manner, and a competent Dose, infallibly performs all the said Cures, and many others, not fit here to be mentioned. *Probatum est.*

Then Sir *Francis Winnington* (of Counsel for the Defendant) pleaded, That it was not proved that this particular Paragraph was writ by Mr. *Care*, but it might be a Sham put upon him by some Papists that might have an ill will to him, who had been no Friend to them, by this means to have Justice come upon him. And that however indiscreetly he might do it, yet no Malice was proved therein. Mr. *Williams* (another of his Counsel) pleaded, That it could not be supposed that a good Man, and a good Subject, should do an ill Action :

And to prove him such, Mr. *Sutton* deposed, That Mr. *Care* had been with him at Church ; and that by the Conversation he had had with him, he apprehended he might be the Author of the *Pacquet*.

Mr. *Ambler* only testified, that Mr. *Care* had been at Church with him, and that the common Report was, that he was the Author of the *Pacquet of Advice*.

Mr. *Ayliffe* also testified, that he had seen him at Church, and Divine Service, but that he never asked him whether or no he writ this.

After which Mr. Recorder reply'd, upon the Defendant's Counsel, That it was unlikely that the Papists did write this particular Paper, because Mr. *Care* writ a Weekly Intelligence, and no other Intelligence came out that Week but this, &c.

The Ld. Ch. Justice then directed the Jury in a long Speech, taking notice of the Noise and Shouts which had attended this Trial ; and which had quite altered the Case from Mr. *Care's*,

to a Publick Concern ; telling the Court, how they did the like in the Case of *Harris*, whom yet they had forsaken as soon as he was in Goal, for 500 *l.* which 5 *s.* apiece would have discharged him from, if they were as free of their Purfes, as they were of their Noises and Acclamations : So that in Truth they are only violent against the Government, whilst they can make Shouts and Noises ; but if it come once to deliver a Man from a Penal Sum, they will let him rot in Goal ; this being the Complaint of *Harris*, and the Disparagement of all these Hummers, and brave Fellows that seem to espouse the Cause, and affront the Government. And that hereby they had now ruin'd and undone *Care*, if so be he were found *Guilty*, whom otherwise he should have thought a more favourable Sentence might have serv'd.—

The Jury then withdrawing for about an hour, brought the Defendant in *Guilty*, and the *Ld.* Ch. Justice, and Mr. Recorder told them, They had done like honest Men.

The Trial of Elizabeth Cellier, at the King's-Bench Bar, on Friday, June the 11th, 1680.

Then and there the Prisoner appearing, and the usual Formalities being passed, and the Jury sworn, (but their Names not inserted in the printed Trial) the Indictment was read ;

which was for High-Treason, for conspiring the Death of the King, and subversion of the Government and Protestant Religion: And to this end expending divers Sums of Mony to several Persons to procure them to kill the King, and to impose the said Treasons upon the Presbyterians, &c. —

For the Proof whereof, Mr. *John Gadbury* deposed, That he knew nothing of this Plot, nor of any Contrivance of Mrs. *Cellier's* to kill the King, but rather the contrary, she being concern'd to bring Sir *Robert Peyton* over to the King's Interest; and told him, that one *Smith* and *Phillips* were willing to tell some Stories of Mr. *Oates* and Mr. *Bedloe*, and that he had heard Mr. *Dangerfield* talk of a *Nonconformist's* Plot that would take off the *Popish* Plot. That upon the going over of one *Clay*, she said she heard there were several Priests and Jesuits coming over. That she fear'd the Nation would be destroy'd before the *Popish Plotters* were, because abundance of the best of the Nation went into other Nations, and spent their Mony abroad, which weakened the Nation. That meeting him in *Westminster-Abbey*, she in discourse said, that place had been filled with *Benedictine Monks*, as the *Temple* had with *Fryers*; and, said she, what if it should be so again? That he had been acquainted with her 10 or 12 Years; and when the King was ill at *Windsor*, she did move some Questions to him about the Life of the King, but he refused to tell her any thing; and then she said she would consult some other Astrologer; at the same time discoursing him about *Dangerfield*, how to get him out of Prison. Then

Then Mr. *Dangerfield* came forth as a Witness against her ; whom she excepted against, for that he had been Whipp'd, Transported, Pilloried, and Perjured ; and by a Witness proved his Conviction of Felony, &c.

To which he pleading the King's Pardon, was sent away to fetch it ; and in the mean time *Thomas Williamson* deposed, That Mrs. *Cellier* employed him to get *Dangerfield* out of Prison, who-soever staid behind.

Margaret Jenkins swore, She never saw Mrs. *Cellier* and *Dangerfield* together but twice, and it was a Year ago, at the Lady *Powis's* House ; and she never heard any Discourse about the Plot.

Susan Edwards swore, That she had oft seen them together, and had heard her say, That the *Papish Plot* would turn to a *Presbyterian Plot*.

Bennet Dowdal swore, That he had oft seen them together, but never heard them talk of the Plot.

Then the Court expected Mr. *Dangerfield's* return ; and in the mean time a Copy of a Record from *Salisbury* was read, of his standing in the Pillory for uttering false Guinies ; as also a Copy of a Record of an Outlawry for Felony. — After about half an hours stay, Mr. *Dangerfield* returned and brought his Pardon, which was read, and the word *Felony* omitted ; and his Pardon being thereby judged defective, his Evidence was laid aside : And so there being but one Witness, the Jury return'd her *Not Guilty* ; so she was acquitted, and *Dangerfield*, for want of present Bail, was committed.

The Trial of Roger Earl of Castlemain, before the Ld. Ch. Justice Scroggs, at the King's-Bench Bar at Westminster, on Wednesday, June 23. 1680.

Roger Palmer Esq; Earl of Castlemain in the Kingdom of Ireland, having been Arraigned at the *King's Bench Bar*, June 16. 1680. for High-Treason, in conspiring the Death of the King, the subversion of the Government, and introducing of Popery and Arbitrary Power, &c. To which he pleaded *Not Guilty*. He was now brought again by the Lieutenant of the *Tower* to the Bar, to receive his Trial. And his Jury were ;

Sir John Cutler Kt. Bar.	Francis Dorrington Esq;
Sir Reginald Foster Bar.	Hugh Squire Esq;
Henry Herriott Esq;	Charles Good Esq;
Richard Cheney Esq;	John Pulford Esq;
Thomas Johnson Esq;	Edward Claxton Esq;
John Roberts Esq;	Francis Mayhew Gent.

To whom the Indictment being read, Mr. *Bonithon*, of Counsel for the King in this Cause, and Mr. Attorney General, opened the same.

Then Dr. *Oates* was sworn, who deposed, That when he returned out of *Spain*, in *Novemb. 1677.* he brought a Letter thence from the Fathers to the Prisoner, wherein was expressed, That the Fathers in *Spain* were very zealous to concur with the Fathers here in *England* in the Design;

Design; the Letter being shewn him before it was sealed. Which Letter he delivered to *Strange*, the then Provincial, to give to the Prisoner. And that in *December* following he saw a Letter at *St. Omers* from the Prisoner to the Fathers, wherein he gave them an account of his Letter from *Spain*, and was glad the Fathers there had so good an Opinion of his Integrity in the Cause.—That in *March* he saw another Letter of the Prisoners to the Fathers at *St. Omers*, importing his dislike that the Secular Clergy should be trusted with the Design.—That in *April* he came over into *England* to the Consult; soon after which he saw the Prisoner come, and enquire about the Copies of some Letters to be sent up into *Germany*, and did desire that an Agreement between them (the Jesuits) and the Monks might be made up, that so they might have the Assistance of that Order to carry on the Design.—That afterwards he heard the Prisoner, and Mr. *Langworth*, and Mr. *Fenwick*, talking in *Fenwick's* Chamber about the Transactions of the Consult, and how unanimous the Fathers were in signing of it; and the Prisoner then said, That *now he should be reveng'd for the Injuries done to him*.—That he saw in *Strange's* Hand an Account of a Divorce that was between the Prisoner, and *Barbara* Dutchess of *Cleveland*: And that he heard the Prisoner say, he had been at great Expence about a Divorce; and a Priest's Chamber being searched, there was a Paper found wherein the whole Case was stated.

Then the Prisoner, and the *Ld. Ch. Justice*
I 4 cross-

cross-examin'd Dr. *Oates* a long time to have catch'd him, but were not able.

Then Mr. *Dangerfield* was called ; but the Prisoner opposed his being sworn, because he had been Out-lawed for Felony, and burnt in the Hand for Felony ; and the Records were produced. But Mr. Attorney General shewed his Pardon, by which he was restored. But this the Prisoner desired his Counsel might speak to, *Whether a Man branded, and burnt in the Hand for Felony, and afterwards pardoned, can be a good Witness ?* Which being granted him, he named Mr. *Jones*, Mr. *Saunders*, and Mr. *Darnel* for his Counsel. But Mr. *Saunders* was not in Court, and Mr. *Jones* said he was not prepared to speak. But Mr. *Darnel* gave his Opinion in the Negative, alledging for it, 11. *Henry* 4. 41. and 9. *Jac.* and the Lord *Cook*, p. 154. To which the Attorn. General, and Mr. Justice *Jones* asserted the constant Custom and Practice of the Court ; the same did Mr. Sol. General, and Mr. Recorder. — Then Mr. Justice *Raymond* went down to the Court of *Common-Pleas* to know their Opinion ; who brought word, that it was the Opinion of their Brethren, That a Man convicted of Felony, and not burnt in the Hand, a Pardon could not set him Upright ; but being convicted, and burnt in the Hand, they suppose he is a Witness.

Then Mr. *Dangerfield* was sworn, who deposed, That about 12 Months ago, the Lady *Powis* sent him with a Letter to the Prisoner ; who writ back an Answer, which the Lady *Powis* read to him and Mrs. *Cellier*, the Contents of which were ;

were; *This Person I like well, and though he be no Scholar, he will serve to instruct the Youths as he shall be directed.* By the Youths, he said, was meant the *St. Omers* Witnesses, whom the Prisoner was employed to instruct what to say before the Trial.—That his Lordship employed him to get *Lane* out of the *Gate-house*.—That his Lordship was concern'd also in those Letters which related to the promoting of the *Sham-Plot*, and were to be conveyed into the Houses of several Persons of Quality; and sent 40 s. for his part to pay for copying them.—That the next day after he had been treated with in the *Tower* to kill the King, which he refused; he waiting upon the Prisoner, his Lordship ask'd him why he would refuse to kill the King? it being that for which he was took out of Prison, and was violently angry with him; upon which he left him.

After this the Prisoner began his Defence; and against *Oates* produced a Record (which was read in Court) of his prosecuting a Man of Buggery at *Hastings*, whom the Jury Acquitted; After which, coming to *London* he was converted to be a Papist, by one *Hutchinson*, whom since *Oates* hath converted to be a Protestant; which Mr. *Hutchinson* then appearing testified; but talking extravagantly, the Court was informed he was a distracted Man.

Then one *Armstrong* appeared to testify that Mr. *Oates* was only a Common Scholar at *Valldolid*; and one Mr. *Palmer*, that he was but the same at *St. Omers*.

Then

Then *Hilsley* affirm'd, That he left *Oates* at *St. Omers* in *April*, and did not come over with him; and to corroborate his Testimony, one *Osborn* affirmed, that Mr. *Hilsley* told him so about the latter end of *April*.

Then one Mr. *Gregson*, at whose House Dr. *Oates* lodged, appeared only to testify to the Poverty of *Oates*, and that he had nothing but what the Jesuits allowed him.

Then Mr. *Littcot* testified, that he knew nothing of the Divorce; but the Court refused to hear such Evidence, as not being to the Purpose.

Then the Records were produced against *Dangerfield*, of his being burnt in the Hand, Outlawed for Felony, and twice Pilloryed for putting away false Guineys, and a gilt Shilling.

Then Mrs. *Cellier* testified, that *Dangerfield* told her of the Prisoner's Anger this time 12 month (which *Dangerfield* said was in *August* last) and that she would have sent him with a Letter, but he refused to go near his Lordship.

And *Bennet Dowdal* said, That *Dangerfield* told him in *June* of the Prisoner's Anger, and that it was because he went to the Tower, and his Lordships Name unknown to him.

The Lady *Powis* affirmed also, That she never sent a Letter by *Dangerfield*, nor never read one to him in her Life; and Mrs. *Cellier* affirm'd the same.

Sir *Richard Barker* then deposed of his seeing *Oates* in *June*, and that his Servants told him, they saw him in *May*, (78)

Then

Then one *Turner* deposed, That he saw *Dangerfield* with the Prisoner, as he believes, in *July*. — And one *Woodman* deposed that carried a Letter from *Mrs. Cellier* to the Prisoner, and brought back 30 s. or 3 l. but for whom he knows not.

Then the Prisoner would have cleared his Reputation, about instructing the Youths, but the Court judg'd it needless. Therefore Mr. *Attorney General* summ'd briefly up the Evidence, and the *Ld. Ch. Justice* did the same; both taking Notice of the Exceptions made against *Dangerfield's* Evidence; leaving it to the Jury, whether he ought to be believed or no; and if not, that then there would be but one Credible witness.

After which the Jury withdrawing for a while, brought in their Verdict, *Not Guilty*.

The Trial of John Giles Gent. at the Sessions-House in the Old-Baily, on Wednesday, July 14. 1680.

THE Prisoner then and there appeared, having been before Arraigned, and pleaded *not Guilty* to an Indictment, for a Barbarous and Inhumane, Attempt, to Assassinate and Murther *John Arnold Esq*; one of his Majesty's Justices of Peace for the County of *Monmouth*, and now a Member of the Honourable *House of Commons*. The Jury sworn, were

Christopher

Christopher Plucknet.
 William Dodd.
 Anthony Nurse.
 John Burton,
 Nathan Goodwin.
 George Wood.

James Partridge.
 Laurance Wood.
 John Bradshaw.
 William Withers.
 Edward Proby.
 Richard Bromfield.

To whom the Indictment being read, Mr. Gibbs, Mr. Holt, and Mr. Thompson, being of Counsel in this Cause for the King, opened the same. After which Mr. Arnold himself was sworn, and deposed, That upon April 15. (being Thursday in Easter-Week) last, he was with some Company at the Devil-Tavern, till 10 or past, and recollecting he had Business with Mr. Phillip^s, a Counsellor at Law, in Bell-yard that Night, he left his Company, and his own Servants being out of the way, he went to the Room where several of his Neighbour's Servants were, and called to some of them to go with him; but it happen'd he went away without them; And as he went cross Fleet-street, he saw two Men in Campaign-Cloaks follow him, whom he thought to be Servants belonging to some of his Company, who had followed him on his calling. But as he went into Bell-yard, one of them got before him, and turned, and looked earnestly in his Face, whom passing by, when a Woman stood in a Door about the middle of Bell-yard with a Candle in her hand, he saw to be this Prisoner at the Bar; to whom when his Companion came up, he heard them laugh aloud. He took no Notice, but went on; and at the Kennel, at the end of

Jack-

Jackanapes-Lane, he looking down to find the Kennel, a Cloak was thrown over his Head, and then he found very rough Hands about his Shoulders, and they ran him into *Jackanapes-Lane* just cross the Lane, against the opposite Wall, and run his Head so hard, that he thinks they broke it, and then struck him, and at the second blow he fell, running him through his side into the Belly; Then recovering, he made what Defence he could; but with a broad Sword he was run through his Arms, and with a small Weapon he was run through in another place of his Arm. He had several other Wounds; and one of them setting his Foot hard upon his Breast, and keeping him down, he believes was run into the Leg, by one of his Companions; for he heard him say, *Dam-me thou hast spoyl'd my Leg*. They laughed all the while, and were exceeding merry. He had then on a pair of Bodice of Whale-Bone, notwithstanding which he had four or five Wounds in his Body through them, for they were not proof; but they imagin'd they were, finding their Swords double sometimes; and one of them said, *Dam-me he has Armour on, Cut his Throat*. Immediately one kneeled down, and gave him several Cuts in the lower part of his Face; he did what he could to defend himself, but they gave him some indellible Marks. By a Candle in a Window, in Sir *Timothy Baldwin's* House as he supposed, and some Women in his Yard, giving them the first disturbance, and a Boy coming by with a Link the same time, he both saw the Face of *Giles*, and remembered it was he whom he had
seen

seen in the Lane just before. They then pulled the Cloak from off him, and he seeing the Light, and being eased of the Weight, he strain'd all his strength, and cried out; and then Company came in, and carried him into the *Sugar-Loaf*, and from thence to his Lodging, where his Friends came to him, and a Chirurgeon was sent for. And that as the Assassins went away from him, they clapt their Swords close to their Bodies, and went away laughing aloud; one of them saying these Words: *Now you Dog pray for, [or pray again for] the Soul of Captain Evans* (who was a Jesuit, taken by him in *Monmouth*, and Executed at *Cardiffe* for being a Priest; Who when the Under Sheriff came to give him notice, that he had a Warrant for his speedy Execution, the said *Evans* being in a Game at Tennis, said, *God Dam-me I will play out my set first.*)—To all which *Giles* only said that *Mr. Arnold* knew him very well, and that his Wife was a near Relation of his.

Then *Mr. Stephen Phillips* deposed, That the next day in the Evening, about 8 or 9 a Clock, he was drinking with *Giles* at the *Crown-Tavern* in *New-street* in *Covent-Garden*, and discoursing about *Mr. Arnold's* Misfortune among the rest, *Mr. Giles* talking of it, said, *God dam him, or God Rot him, he had Armour on, they say.*

Then *Mr. Walter Watkins* deposed, That on *May 5.* he being at the stating some Accounts between *Mr. Giles* and *Mr. Richmond*, at *Uske* in *Monmouth-shire*: He asked *Giles* for some Horse-Hair to make a Fishing-Line, *Giles* replied, That he had left very good Hair for him at a Farriers

Farriers in *Glocester*, but he and Mr. *Herbert Jones* made such haste through *Glocester* that they did not call for the Horse-Hair; and asking the occasion of his Haste, he answered, it was for fear they should be stopt in their Journey, as suspected to be concerned in Mr. *Arnold's* Business.

Mr. *George Richmond* then (with whom *Giles* stated the Accounts) deposed the very same; adding, That he could not say whether *Giles* called him Esq; *Arnold*, or Mr. *Arnold*, or what; he seldom used to give him so good words.

Then Mr. *Walter Powel* swore, That he being at one *Peter Darcy's* House, a Sword-Cutlers in *Uske*; *Giles* came to him to have his Sword mended; and *Darcy* said to him, *Where have you been, you have been hot at it: What have you been fighting with the Devil?* No, said *Giles*, with *Damn'd Arnold*. Upon this, *Darcy* said he must not speak such words; and *Giles's* Wife pluck'd him by the Coat, and bid him hold his Tongue. This was on *May* 5. and there were by, the Prisoner at the Bar, and his Wife, and *Darcy* and his Apprentice.

Then Mr. *William Richmond* deposed, That *Giles* asked him in the Afternoon before Mr. *Arnold* was hurt, Where he might buy a good Rapier? And that he had then a good Back-Sword in the House. That he endeavour'd to have prevented the Execution of Father *Lewis*; and when he was executed, was very active a dipping Cloaths in his Blood. That the day of the Assault, he and *Giles* went into *Long-lane* together,

together, to inquire after their Friends, and afterwards to the *Artillery* to see the Exercise, then to *Long-lane* again, from thence to *Whetstones-Park*, and afterwards to *Drury-lane*: and about 9 at Night they came to their Inn, being the *Kings-Arms* in *St. Martins-lane*, and he left *Giles* taking a Pipe of Tobacco in the Kitchen, and went up into his Chamber, with some other Company, and drunk till nigh One; and about 12 seeing the Maid making up another Bed, he stept to her, and asked her who it was for? she said, for a Man that was not willing to lie with any Body; After this, about one a Clock, as he was going to Bed, he heard *Giles* come up stairs, and bid him Good-night, just as he was pulling off his Breeches.

Then one Mr. *Bridges* deposed, That about a Year ago, he heard *Giles* say, That the Papists were the best Religion, and that those that were not of that Religion, were Damn'd; and that he that says there is a Plot, is a Rogue, and a Thief.

One *Walter Moor* also swore, that he had heard him say, That if the Lords in the *Tower* were Executed, there would be a greater War than ever was in *England*; and it would cost more Blood than ever was spilt, which he swore, saying, The Lords deserved not Death, for that there was no Plot at all.

Mr. *Reynold* deposed that on May 2 at *Langoone* in *Monmouth-shire*, he heard *Giles* say, That he could not think but that Mr. *Arnold* wounded himself; says his wife, How could he wound himself in his Arms? said he, It was himself, or some of his Friends.

Then

Then Mr. *Hobbs* the Chyrurgeon depofed, That he found Mr. *Arnold* bleeding, with two Wounds through his Arm, one Wound and feveral Bruifes in his Head, two Cuts on his Face, another upon his Throat, which bled very much; two upon his Breast, and one in the Belly fix Inches and an half deep. — Which he believed he could not give himfelf.

[Fifteen or sixteen Witneffes more for the King, that were attending in the Court, were not examin'd, the Court being in fome hafte, and the King's Counfel not preffing it, there being fo full Evidence.]

Then Mr. *Darnall*, being of Counfel for the Prifoner, began a Defence, and called Mr. *Philpot*, who faid, He was at the Crown-Tavern with Mr. *Giles* when Mr. *Phillips* was; and he heard no fuch Saying; but that *Giles* faid, if any thing fhould be upon Mr. *Arnold*, it was a very ftrange thing; — and was forry for it.

Mr. *Herbert Jones*, Mayor of *Monmouth*, then depofed, That he went with *Giles* from *London*, and came with him to *Glocefter*, and inn'd at the *Old-Bear*; and after Dinner went to the *New-Bear* and drank Sider, and ftaid feveral hours in Town; and being the quarterly Seflions, feveral came to them to ask News; and they told of Mr. *Arnold's* Hurt, and were as forry for it as any Perfons could be, and confeff'd it a very ill thing. — That he fupposed Mr. *Arnold* muft needs be acquainted with *Giles*, he having been head-Conftable, and always a Proteftant.

Then *John Jones* the Cutler's Apprentice fwore, That his Mafter asking the Prifoner,

Mr. *Giles*, Have you been in some Battel ? Have you been fighting with the Devil ? *No*, said he, *for I never met with* Arnold. And that he did not hear his Wife bid him hold his Tongue.

Then *John Howel*, Mr. *William Richmond's* Man, depofed, That he came to Town with *Giles* that Day about 12 ; and that he heard him call to his Master about 11 or 12 a Clock that Night.

Then *Ann Beron* being sworn, ſhe depofed, That *Giles* was in her Company moſt part of that Day, and that ſhe was at Dinner with him, and till 9 a Clock at Night, when ſhe left him in the Kitching, and went to Bed.

Elizabeth Crook, the Maid of the Inn, ſhe ſwore ſhe made his Bed about 10, and before 11 asked him, if ſhe ſhould take away his Candle ? He bid her lock the Door, and he would put out his Candle ; but ſhe went away, and did not, and left the Candle : She denied that Mr. *Richmond* came to her, or that ſhe ſaw him, till he reſreſh'd her Memory, by remembring her how he courted her, to make himſelf merry ; which then ſhe acknowledged, much to the credit of Mr. *Richmond's* Teſtimony, and diſparagement of her own.

Then one *Edward James* did ſwear, That he drank with *Giles* at the *King's-Arms* in *St. Martin's-Lane*, from 9 to 12 at Night, and then left him in the Kitchen, the ſame Night the Maid had ſworn otherwiſe juſt before him.

Then *Robin Gibbon*, *John Chadwick*, *Eliz.* — *Peter Powel*, and *Roger How*, all ſwore they ſaw him about 9 ; but that was not material.

To these Witnesses the King's Counsel thought it needless to answer, they being all either frivolous, or contradictory.

Therefore Sir *George Jefferies* the Recorder summ'd up the Evidence, and directed the Jury, who withdrew, and after about half an hours debate, brought the Prisoner in *Guilty*. Which done, the Court adjourn'd till the Saturday following, when the Recorder passed the Sentence of the Court upon him, which was, To stand from 12 to one in the Pillory, one day at the place where the Fact was committed, another day over against *Greys-Inn* in *Holborn*, and another at the May-pole in the *Strand*, with a Paper on his Hat signifying his Offence, and then to pay to the King 500 *l.* and be committed in Execution till paid, and then to find Sureties for his *Good-Behaviour* during Life.

The Trial of Elizabeth Cellier; at the Old-Baily on Saturday Sept. 11, 1680.

THen and there the Defendant appeared upon an Information for Writing, Printing, and Publishing a scandalous Libel, called *Malice defeated*, &c. to which she had pleaded *Not Guilty*.

The Jury were,

*John Ainger,
Richard Boys,
John Stephens,
Thomas Phelps,
Gilbert Urwin,
Edward Allanson,*

*Richard Living,
John Coggs,
Henry Hodgden,
John Barnard,
Edward Low, and
James Southern.*

To whom the Information being read, *Robert Dormer*, Esq; opened the same, and then *Mr. John Penny* depos'd, that he bought that Book (the Libel being shewn him) of *Mrs. Cellier*, who own'd it for hers, and said she could, if there were occasion, put a great deal more in.

Mr. William Downing depos'd, that he printed part of that Book by her direction, to fol. 22. and then the Messenger found it, and some body else printed the rest.

Mr. Robert Stephens depos'd, that he saw the Book a printing at *Mr. Downings*, and heard *Mrs. Cellier* own it for hers, and say that she kept a Man in the House to write it, and she dictated to him; and that he saw her sell several of them.

Then *Mr. Matthias Fowler* depos'd, that he bought two of them Books of *Mrs. Cellier* for 4s. hearing that his Name was mention'd therein, tho very fallly, as he had made Oath before the Lord Mayor; all that he knew being only this, That on the Tuesday seven-night after the Murder of *Sir Edmondbury Godfrey*, one Corral a Coachman waiting to carry some Gentlemen that were in his House, begg'd a Pipe of *Tobacco* of his Wife in the Bar; Ay, said she,
thou

thou lookst like an honest Fellow, and I believe thou hast no hand in the Plot (a casual word that was passant at that time); thereupon he began to tell her how he had escaped that danger, for that four met him against *St. Clemens Church-wall*, and swore he should stand and do as they would have him, when he saw *Sir Edm. Godfrey's* Body in a Sedan, whom he sham'd upon, and told them he could not carry him, for that the *Axle-Tree* of his Coach was broke. That this he over-heard and came out, which the Fellow repeated over again to him; but then perceiving he had been too lavish in his Discourse, he run out in haste, pretending to see whether the Seats of his Coach were not stolen out, whom he followed and found him driving away, tho he had left his Whip behind: He took the number of his Coach, which the next day giving to Captain *Richardson*, he secured the Man, and he was brought with him to *Wallingford-house* and examin'd by the Duke of *Buckingham*, the Earl of *Shaftsbury*, the Marquess of *Winchester*, two other Lords, and Major *Wildman*, where he confessed the whole matter, that he said so at his House, but would have sham'd it off himself, that he only heard it from others; and being nothing could be got out of him, he was re-ordered to *Newgate* where he continued several Months, but that he never was with him there, as the Libel charged him. Whereupon the Libel was then produced, and the several Clauses recited in the Indictment were read, which were to this purpose. It was intituled, "*Malice de-
feated*, or a brief Relation of the Accusation

“and Deliverance of *Elizabeth Cellier*, wherein
 “her Proceedings both before and during her
 “Confinement, are particularly related, and the
 “Mystery of the *Adel-Tub* fully discovered;
 “together with an Abstract of her Arraign-
 “ment and Trial. Written by her self for the
 “Satisfaction of all Lovers of undisguised
 “Truth.

In the Book she gives an Account how she
 “turn’d from *Protestanism* to *Popery* upon the
 “occasion of King *Charles I.* Murther, ascribing
 “the Preservation of King *Charles II.* at *Wor-*
 “*cester* wholly to the Papiſts; and from her
 “Observation of the chiefeſt Sticklers for the
 “Plot, being thoſe, or the Sons of thoſe that
 “acted the principal Parts in the laſt Tragedy,
 “ſhe doubted of its Truth, and therefore
 “thought it her Duty through all ſorts of ha-
 “zards, to relieve the poor imprifoned Catho-
 “licks, which ſhe had done ſome Months, before
 “ever ſhe ſaw the Counteſs of *Powis*, &c. That
 “on Thursday *Jan. 9, 1678*, ſhe being in *New-*
 “*gate*, with five Women, of which three were
 “Proteſtants; about four in the Afternoon they
 “all heard terrible Groans and Squeeks which
 “came out of the Dungeon, called the con-
 “demned Hole. She asked *Harris* the Turn-
 “key what doleful Cry it was, who ſaid it was
 “a Woman in Labour; ſhe deſired they might
 “go to her and help her, but he drove them
 “away rudely; but liſtning they ſoon found it
 “was the Voice of a ſtrong Man in Torture,
 “and heard as they thought between his Groans
 “the winding up of ſome Engine. Theſe Cries
 “ſtopt

“stopt the Passengers under the Gate, and they
“fix went to a Turners Shop without the Gate,
“and stood there amazed, when one of the Offi-
“cers of the Prison came out in great haste,
“seeming to run from the Noise, whom catch-
“ing hold of, they asked him what the Noise
“meant? and whether it was not *Prance* upon
“the *Rack*? he said he durst not tell them, but
“was not able to hear any longer, running a-
“way towards *Holborn* as fast as he could. They
“heard these Groans perfectly to the end of the
“*Old-Baily*, and they continued till near seven,
“and then a Person in the Habit of a Minister, of
“middle Stature, Grey-hair’d, accompanied
“with two other Men, went into the Lodg:
“The Prisoners were lock’d up, and the out-
“ward Door of the Lodg also, at which she
“set a Person to stand, and observe what she
“could, and a Prisoner loaded with Irons was
“brought into the Lodg and examined a long
“time; and the Prisoners that came down as
“low as they could, heard the Person examined
“with great Vehemency, say often, I know no-
“thing of it, I am innocent, he forced me to
“be-lie my self: What would you have me
“say? Will you murder me because I will not
“be-lie my self and others? The Prisoners
“heard again the same Cry about four of the
“Clock the next Morning, and on Saturday-
“Morning again, and that Morning a Person
“employed to spy, seeing the *Turn-key* carry a
“Bed into the Dungeon, asked who it was for?
“he told her it was for *Prance*; who was gone
“mad, and had torn his Bed in pieces. That
“Night

“ Night the Examiners came again, and after
“ an hours Conference, *France* was led away to
“ the Press-yard. Soon after this *Francis Corral*,
“ a Coach-Man, that had been put into *Newgate*
“ upon suspition of carrying away Sir *Edmond-*
“ *bury Godfrey*’s Body, and lay there thirteen
“ weeks and three days in great Misery, got
“ out, whom she went to see, and found him a
“ sad Spectacle, having the Flesh worn away, and
“ great holes in both his Legs by the weight of
“ his Irons, and having been chained so long
“ double, that he could not stand upright, who
“ told her of his hard usage, how he had been
“ squeez’d and hasped into a thing like a Trough
“ in a Dungeon under ground, insomuch that
“ he swooned; and that a Person in the Ha-
“ bit of a Minister stood by all the while. That
“ a Duke beat him, pull’d him by the Hair, and
“ set his drawn Sword to his Breast three times,
“ and swore he would run him through; and
“ another great Lord laid down an heap of Gold,
“ and told him it was 500 *l.* and that he should
“ have it all, and be taken into the aforesaid
“ Dukes House, if he would confess what they
“ would have him, and one *F.* a Vintner at the
“ Half-Moon in *Cheapside*, by whose contrivance
“ he was accused, took him aside, and bid him
“ name some Person, and say, they imployed
“ him to take up the dead Body in *Somerset-yard*,
“ and gave him Mony for so doing, that if he
“ would do this, both *F.* and he should have
“ Mony enough: And he also told her, that he
“ was kept from Thursday till Sunday without
“ Victuals or Drink, having his Hands every
“ Night

“ Night chained behind him, and being all his
 “ time lock'd to a Staple driven into the Floor
 “ with a Chain not above a Yard long; that he
 “ was forced to drink his own Water, and the
 “ Jaylor beat his Wife because she brought Vic-
 “ tuals, and pray'd he might have it.

In another place of the Libel were these words
 read, “ My Arraignment (which in confidence
 “ of my own Innocency I continually pressed
 “ for) not but that I knew the danger, as to this
 “ Life, of encountring the Devil in the worst of
 “ his Instruments, which are Perjurors, encoura-
 “ ged to that degree as that profligated Wretch
 “ *Thomas Dangerfield* was, and has been since his
 “ being exposed to the World in his true Co-
 “ lours, both at mine, and anothers Trial.

And in another place of the Libel. “ Nor
 “ have I since received any thing towards my
 “ Losses, or the least Civility from any of them,
 “ whilst *Dangerfield*, when made a Prisoner for
 “ apparent Recorded Rogueries, was visited by,
 “ and from Persons of considerable Quality, with
 “ great Sums of Gold and Silver, to encourage
 “ him in the new Villanies he had undertaken,
 “ not against me alone, but Persons in whose
 “ Safety all good Men, as well *Protestants* as o-
 “ thers, in the three Kingdoms are concerned.

And in the *Postscript* are these words, “ And
 “ whensoever his Majesty, pleases to make it as
 “ safe and honourable, as it is apparent it hath
 “ been gainful and meritorious to do the contra-
 “ ry, there will not want Witnesses to testify the
 “ Truth of more than I have written, and Per-
 “ sons that are above being made the Hangman's
 “ Hounds

“ Hounds for weekly Pensions, or any other Considerations whatsoever, &c. —

After thus much was read, Mr. Baron *Weston* made some smart Reflections thereon, and then Mr. *Prance* deposed, that he was used very civilly in Prison, and never saw any thing of Torture while he was in *Newgate*, and that Dr. *Lloyd* was with him many times, and if any such thing had been, he would have seen it.

Then *Francis Coral* was called, but appeared not, and Captain *Richardson* informed the Court that they had got him away, but that his Wife was there, who being sworn, deposed that she was not suffer'd to see her Husband in Prison, and that she heard that he was like to be starved, and saw him with Irons on at length, and afterwards holes in his Legs, but deny'd that ever she was beat for bringing Victuals to him, and the Lord Mayor, Sir *Robert Clayton* declared that her Husband had denied all upon Oath before him.

Then Mrs. *Cellier* called two or three Witnesses to prove that she sent about for her Witnesses in order to make her Defence, but that they could not be had in so short time, and therefore desired more time, and desired the Court to consider she was but a Woman, and that she had suffered much for his Majesty, and begged therefore Mercy in Justice. Then Mr. Baron *Weston* summ'd up the Evidence, and the Jury returned her *Guilty* (at which there was a great shout) and so the Keeper carried her back to *Newgate*, from whence on Monday Sept. 13. she was brought to the Bar, and Mr. *Recorder* gave the

the Judgment of the Court ; which was that a 1000 *l.* Fine should be put upon her, and she be committed in Execution till it be paid. And that she should stand in the Pillory three several days in three several places, between the hours of twelve and one. The first place at the *May-Pole* in the *Strand*, the second in *Covent-Garden*, and the third at *Charing-cross*; and in every place some Parcels of her Books to be burnt by the Common Hangman before her Face; and a Paper of the cause to be upon the Pillory; and she to find Sureties for her good Behaviour during Life.

The Trials of Thomas Thwing, and Mary Preflicks, at the Assizes at York, on Thursday July the 29th, 1680.

Then and there the Prisoners appeared, having been arraigned, and pleaded *Not Guilty* to an Indictment of High-Treason, for conspiring the Death of the King, and Subversion of the Government. The Jury (after 25 challenged by *Thwing*) sworn were,

<i>Sir George Cook, Bar.</i>	<i>Henry Pinckney, Gent.</i>
<i>Thomas Worsley, Esq;</i>	<i>John Blackston, Gent.</i>
<i>William Caley, Esq;</i>	<i>William Hardcastle, Gent.</i>
<i>Roger Lee, Gent.</i>	<i>Nicholas Stone, Gent.</i>
<i>John Dixon, Gent.</i>	<i>George VVesterby, Gent.</i>
<i>George Wray, Gent.</i>	<i>Charles Tucker, Gent.</i>

To

"Hounds for weekly Penſions, or any other Conſiderations whatſoever, &c. —

After thus much was read, Mr. Baron *Weston* made ſome ſmart Reflections thereon, and then Mr. *Prance* depoſed, that he was uſed very civilly in Priſon, and never ſaw any thing of Torture while he was in *Newgate*, and that Dr. *Lloyd* was with him many times, and if any ſuch thing had been, he would have ſeen it.

Then *Francis Coral* was called, but appeared not, and Captain *Richardſon* informed the Court that they had got him away, but that his Wife was there, who being ſworn, depoſed that ſhe was not ſuffer'd to ſee her Husband in Priſon, and that ſhe heard that he was like to be ſtarved, and ſaw him with Irons on at length, and afterwards holes in his Legs, but deny'd that ever ſhe was beat for bringing Viſtuals to him, and the Lord Mayor, Sir *Robert Clayton* declared that her Husband had denied all upon Oath before him.

Then Mrs. *Cellier* called two or three Witneſſes to prove that ſhe ſent about for her Witneſſes in order to make her Defence, but that they could not be had in ſo ſhort time, and therefore deſired more time, and deſired the Court to conſider ſhe was but a Woman, and that ſhe had ſuffered much for his Maſteſty, and begged therefore Mercy in Juſtice. Then Mr. Baron *Weston* ſumm'd up the Evidence, and the Jury returned her *Guilty* (at which there was a great ſhout) and ſo the Keeper carried her back to *Newgate*, from whence on Monday Sept. 13. ſhe was brought to the Bar, and Mr. *Recorder* gave
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the Judgment of the Court ; which was that a 1000 *l.* Fine should be put upon her, and she be committed in Execution till it be paid. And that she should stand in the Pillory three several days in three several places, between the hours of twelve and one. The first place at the *May-Pole* in the *Strand*, the second in *Covent-Garden*, and the third at *Charing-cross*; and in every place some Parcels of her Books to be burnt by the Common Hangman before her Face; and a Paper of the cause to be upon the Pillory; and she to find Sureties for her good Behaviour during Life.

The Trials of Thomas Thwing, and Mary Preflicks, at the Assizes at York, on Thursday July the 29th, 1680.

THen and there the Prisoners appeared, having been arraigned, and pleaded *Not Guilty* to an Indictment of High-Treason, for conspiring the Death of the King, and Subversion of the Government. The Jury (after 25 challenged by *Thwing*) sworn were,

Sir George Cook, Bar.	Henry Pinckney, Gent.
Thomas Worsley, Esq;	John Blackston, Gent.
William Caley, Esq;	William Hardcastle, Gent.
Roger Lee, Gent.	Nicholas Stone, Gent.
John Dixon, Gent.	George VVesterby, Gent.
George Wray, Gent.	Charles Tucker, Gent.

To

To these the Indictment was read, and afterwards opened, and the Treasons therein aggravated by the King's Counsel.

Then Mr. *Robert Bolron*, being sworn, deposed, that in 1674. he came to live with Sir *Thomas Gascoyne*, and was Steward of his Colepits; and in 1675. he turned Papist; and about January 1676. Mr. *Thwing*, Father *Rushton* and several others came to his House at *Shippon*, and did there examine him how he stood affected to the Roman Catholick Religion, and whether he was resolved to venture his Life and Estate in it, if there were any occasion? to which he agreed, and resolved to obey his Ghostly Father in all things; and Father *Rushton* (his Confessor) gave him the Oath of Secresy. — That in 1677. there was a Consult at *Barnborow-Hall*, Sir *Thomas Gascoyne's* House, in the old Dining-Room, Sir *Miles Stapleton*, Sir *Thomas Gascoyne*, the Lady *Tempest*, *Thwing*, *Rushton* and others, being present; wherein it was agreed, that the King should be killed; and *Thwing* said, that if they mist this opportunity of doing it, they should never have the like again; and the effecting of it would be very beneficial to the Church of *Rome*. And in hopes this would succeed, they agreed, they would erect a Nunnery at *Dolebank*, but their real Intention was to have it at *Heworth* (within a Mile of *Tork*) after the King was killed; and to avoid Suspicion, the Lady *Tempest* promised them *Broughton* for the present, and *Thwing* was to be Confessor of the Nunnery for the present. — That he paid 10*l.* to *Rushton* in *Thwing's* presence towards killing the King, and saw a List in *Rushton* and *Thwing's* Hands

Hands of Money raised for that purpose. He paid 5 l. also to have his Soul prayed for. And *Thwing* told him afterwards, that in *Yorkshire*, *Lancashire* and *Derbyshire*, 30000 l. was raised for the killing of the King, and that the List was sent beyond Sea.

Against Mrs. *Pressicks* he deposed, That in 1678. she told him, that she being in *London* did hear a Woman cry after her, Stop the Papist, stop the Plotter, but she got away, and afterwards durst not appear publickly. That discoursing with her about the Plot, she said, Father *Harcourt* was her Confessor, and first engaged her in it; and that *Pickering* told her, he was to have killed the King; saying, she was sorry he did not; and that *Oates* and *Bedloe* were two Rogues, & had it not been for them, the Plot had not been discovered. Telling him the Gun which was to have shot the King, was found with *Pickering*, which she believed was the cause of his Death. And that she said the King was an Assc, and not fit to govern; that what Money the Parliament gave him, he spent on Whores and Concubines.

Then Mr. *Lawrence Mowbray* deposed, That about *Michaelmas* 1676. there was an Assembly of divers Priests in *Rushton's* Chamber at *Barnborow-hall*, whereat he was admitted, (he being one that waited upon *Rushton* at the Altar, and having took the Oath of Secrecy from him) and *Thwing* was there; he and *Rushton* manag'd the Conference, wherein they declared the King was an Heretick, and excommunicated by the Pope, and that he should be killed, because he had broke his Promise made to the Jesuits, when he

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was beyond Sea ; and that it was not only lawful, but meritorious to kill him. That there was a List of those engaged in the design.--- That he did not accuse Mr. *Thwing* till his 2^d. Examination before Justice *Warcup* ; and that he knew nothing against Mrs. *Pressicks*.

Then Mrs. *Bolron* deposed the same against Mrs. *Pressicks*, of what she had said at Mr. *Bolron*'s House as before ; adding, that she said there would never be quiet in *England*, till the Papists had got the upper hand, and not left a Protestant ; and she hoped an Army of Catholics would be raised to set up Popery.

Mrs. *Bolron jun.* deposed the same, being then also present.

One *John Hutchinson* was present too, and deposed the same ; adding that she said likewise, that we should never be quiet till the D. of *York* was made King.

Then *Thwing* urged in his defence, that all this was only out of Malice to Sir *Thomas Gascoyne*'s Family, to which he was related, and called Witnesses.

Nathaniel Wilson said, that about last *Michaelmas* Mr. *Bolron* asked him if he could tell any thing of Father *Rushton* ? and he told him no ; then he bid him keep his Secrets, and he would give him more than he could earn in seven Years, but that unless he could shed the Blood of some of them, he should get nothing.

Then Mr. *Lowther*, the Justice who took Mr. *Bolron*'s Examination the 24th or 25th of *June*, 1679. testified, that he did not then mention *Thwing*.

Obediah Moor said, that about last *Candlemas* was 12 Months, *Mr. Bolron* told him, that *Sir Tho. Gascoyne*, nor none of his Family were concerned in the Plot, and that he believed there was no Plot. But in *August* after, he told him he had but equivocated with him in what he said before, and that there was a real Plot, and if he had sworn a thousand Lies he could have been forgiven them.

Stephen Tompson testified that *Bolron* was arrested by *Sir Tho. Gascoyne* for Debt, to whom he was bound with him. When the Plot came out, he asked *Bolron* if *Sir Thomas* was concerned? he said no, he was as innocent as the Child unborn; but afterwards he said, if *Sir Thomas* did sue him, he would do him a greater Mischief; and that while he intreated *Sir Thomas's* Forbearance for three Weeks, *Bolron* came up to *London*, and swore Treason against him; and as to *Mrs. Pressicks*, *Bolron's* Grandmother told him, she could say nothing against her, but *Bolron* said she must say so and so.

Then *Zachary Thorpe* testified that he meeting *Bolron* in *Long-Acre*, before the last Assizes, he told him *Sir Tho. Gascoyne* was cleared, but swore the Jury were Rogues.—And that he was now going down to the Assizes at *York* against the *Lady Tempest*, and swore he would ruin them; if one thing would not do, another should do it.—And that *Bolron* would have had him been evidence against *Shipton* last Assizes. But *Mr. Justice Dolben* knowing this Witness, thought his Testimony very improbable.

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William Hardwick testified, that he being to carry *Mrs. Pressicks* before Justice *Lowther*, *Bolron's* Wife said she was sorry for it, for she believed her to be an honest Woman, and had been a good Neighbour amongst them.

Mary Walker, Servant-maid to *Mrs. Lassels*, *Thwing's* Sister, testified, that *Bolron* proffer'd her 10 l. to swear *Thwing* was a Priest.

Then *William Bacchus* said that when he served a Warrant on the two *Mrs. Bolron's* to go before *Mr. Lowther*, they said they could say nothing against *Sir Tho. Gascoyne*, nor any of the Family.

Cuthbert Hamsworth said, that he heard *Bolron* swear Revenge against the Lady *Tempest* for prosecuting a Suit against him.

Then the Prisoner endeavoured to prove he was not at *Barnborow-hall* in 1677. by *George Twissley*, Groom to *Sir Tho. Gascoyne*, who could only say that he used to come there but a night or two in a Year.

Joseph Cooper said, that about a Year ago he heard *Mowbray* say, he knew nothing of the Plot, and that he believed *Sir Tho. Gascoyne* was guilty of no such thing, for if he had, he should have known it as soon as *Bolron*, and he was a Rogue and a Knave for saying any such thing.

Edward Cooper sen. said he then heard *Mowbray* say he thought *Sir Thomas Gascoyne* was not guilty of the Plot.

Isabel Heyward, a Girl that lived with *Bolron* as a Servant, testified that her Master and Mistress falling out, she said she would not go to
London

London, and if he made her go, she would swear that what he had sworn against Mrs. *Pressicks* was out of Malice.

Alice Dawson testified, that the day after *New-years-day* was twelve-month, Mrs. *Bolron* said she was sorry for nothing, but that her Husband had meddled with Mrs. *Pressicks*.

One or two Witnesses more were called, but nothing to the purpose. Therefore Mr. Justice *Dolben* summ'd up the Evidence, and Mr. Baron *Atkins* proceeded to do the same. And the Jury withdrawing for a while, brought in *Thomas Thwing* Guilty, and *Mary Pressicks* not Guilty. And on the *Monday* following Mr. Justice *Dolben* sentenced him to be Drawn, Hang'd and Quarter'd.

The Trials of William Viscount Stafford in Westminster-hall, from November the 30th, to December the 7th, 1680. before the House of Peers.

ON *Tuesday Nov. the 30th.* the Right Honourable *Heneage Lord Finch*, Baron of *Daventry*, Lord High Chancellor of *England*, being constituted *Lord High Steward* for the present occasion, and all things fitted for the purpose in *Westminster-hall*, and both Houses being seated, and the Commons all bare, *William Viscount Stafford* was brought to the Bar, kneeling till the Lord High Steward bid him rise, and

a Chair set for him. After which making a short Speech to him, concerning the occasion of his appearing there, the Articles of Impeachment of High Treason against him, and the other Lords in the Tower, by the Commons of *England* were read, which consisted of seven Heads. The 1st. That there hath for many Years a Plot been contrived, &c. 2^{ly}. Naming the Persons concerned therein, and particularly the Noble Lord at the Bar. 3^{ly}. That Consults had been held, and the Murder of the King resolved on therein, &c. 4^{ly}. That Consultations have been, for the raising of Men, Money, Arms, &c. 5^{ly}. That Commissions had been given and received; and particularly a Commission for the Lord *Stafford* to be Pay-master of the Army. 6^{ly}. That to hide and hinder a Discovery, an Oath of Secresy and the Sacrament had been given, and taken, and Sir *Edm. Godfrey* murdered. 7^{ly}. That the Guilt of that Murder was endeavoured to be put upon Protestants, &c.—The Lord *Stafford's* Answer, to which was then also read, wherein he put himself upon his Peers for Trial, affirming himself Not Guilty.

After this Serjeant *Maynard*, Sir *Francis VVinnington*, and Mr. *Treby* (being of the Committee appointed for the Management of the Evidence) opened the Charge and Evidence in very excellent Speeches. And proposed to prove first the Plot in general, and the Guilt of this Lord therein in particular, And therefore, as to the first :

Mr. *Smith* being sworn, gave a full relation of his Travels and Perversions, and of what he had heard beyond Sea, and in *England* concerning this Plot. How Abbot *Montague* and Father *Gascoyne* in *France*, and other Priests and Jesuits told him, that if he would turn ⁶⁰⁰ *W*ellick he should have Employment among *them* there, and afterwards in *England*, for that they doubted not but the Popish Religion would come in very soon; and that because (as the Abbot said) they doubted not to procure a Toleration of Religion; and because the Gentry that went abroad did observe the Novelty of their own Religion, and the Antiquity of theirs, and the Advantages that were to be had by it. But one Father *Bennet* and others said, they doubted it not, because their party was very strong in *England*, and in a few Years they would bring it in right or wrong.

That it was Cardinal *Crimaldi* who perverted him about 1671 to the Romish Religion at *Provence*; and that afterwards he lived several Years in the *English* Jesuits Colledg at *Rome*, where he hath often heard it disputed, and preached and exhorted, that the King of *England* was an Heretick, and that there was no King really reigning, and whoever took him out of the way would do a meritorious Action, particularly by Father *Anderton*, *Mumford*, *Campion*, but chiefly *Southwel*, one of the chief of the Jesuits. That when he came away thence for *England*, these Fathers for a whole Month, were exhorting that the King of *England* was not to be obeyed, and that in all private Con-

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Mr. *Smirk* being sworn, gave a full relation of his Travels and Perversion, and of what he had heard beyond Sea, and in *England* concerning this Plot. How Abbot *Montague* and Father *Gascoyne* in *France*, and other Priests and Jesuits told him, that if he would turn ^{Pro}-*W*-*l*-*l*ick he should have Employment amongst *Min* there, and afterwards in *England*, for that they doubted not but the Popish Religion would come in very soon; and that because (as the Abbot said) they doubted not to procure a Toleration of Religion; and because the Gentry that went abroad did observe the Novelty of their own Religion, and the Antiquity of theirs, and the Advantages that were to be had by it. But one Father *Bennet* and others said, they doubted it not, because their party was very strong in *England*, and in a few Years they would bring it in right or wrong.

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fessions, all Persons, who might be thought capable of any design, were to be instructed, that they should use all their Endeavours for promoting Popery.—That while he was at *Rome*, he read *Coleman's* Letters of Intelligence once a *Month*; and therein how the Duke, and the Queen, and the chief of the Nobility were of their side; how they carried matters several times; the ways the Lord *Clifford*, and Sir *William Godolphin* did use to effect the work; and that they question'd not to get the Lord *Danby* on their side too.—That when he return'd into *England*, he found all the Popish Clergy in great hopes of Popery coming shortly in.—That he knew of Money gathered in the North, but refused to joyn therein.—That as to the Lord *Stafford* he knew nothing, but that Sir *Henry Calverley* was turned out of Commission of the Peace, through Complaint made to my Lord *Stafford* of his being active against Popery. And that he writ to one *Smith*, that he would not make over his Estate as others did, for that he expected some sudden Change or Alteration.

That the Cardinal, who perverted him, at the same time spoke of great Assurances that Popery would prevail in *England*; that there was but one in the way, and tho that Man was a good natured Man, yet they could not so far prevail upon him, but that to accomplish their designs they must take him out of the way.—That now he had been a Protestant two Years, and was always bred so till he travelled towards *Rome*.

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After him Mr. *Dugdale* was sworn, and deposed, That he had been acquainted with a Design of introducing Popery about 15 or 16 Years; and that he had seen several Letters from beyond-Sea, of Mony, Men and Arms being ready to Assist. That Collections of Mony were made in the Country, and 500 *l.* paid to him so collected, which he paid to Mr. *Evers* to return to *London*, to discharge an Account of Arms and Things received from beyond-Sea, and for carrying on this Design.— That he himself had given them an Estate of 400 *l.* Value, and (because he knew Mony would be wanting) had promis'd an 100 *l.* more, as soon as the Lord *Aston* and he had accounted for this Design, and the praying for his Soul.— That the King of *France* had promised his Assistance, and the Pope allowed some part of his Revenue for the same purpose.— That of late he had been at several Consultations, wherein the Death of the King was discoursed, which was intended to be about *November, December, or January, 1678.* and saw Letters from *Paris* which advised that it should be thrown upon the Presbyterians, who had killed the old King, and were likeliest to be thought to have done this, and so they might easily get the Protestants of the Church of *England*, to join with the Papists against them, to the weakening of Protestantism, and accomplishment of their Design.— That it was agreed, that the Lord *Aston*, Sir *James Symons*, and others, should go in *October 1678.* to dispose of Arms, to the value he heard of 30000 *l.*— That after the

King had been killed, an Army was to have appeared, to have cut off all that should escape the M^allacre, which also was designed. — That he had been put upon to make Foot-Races to draw People together, that they might the better have Discourses together without suspicion. — That he saw a Letter from the Lord *Stafford* to Mr. *Ewers*, to shew, that things went on well beyond Sea, and hoped they did so here: and that particularly the Lord *Stafford* was by at a Consult, about September 1678. with Mr. *Heveningham*, Sir *James Symonds*, Mr. *Vavasor*, Mr. *Petre*, Mr. *Howard*, and the Lord *Aston*, about the Death of the King; and that Mr. *Heveningham*, Sir *James Symonds*, the Lord *Aston*, Mr. *Draycot*, Mr. *Howard*, and Mr. *Gerard* did, of his knowledg, contribute Mony for carrying on the Plot. That he saw a Letter from *Whitebread*, to give Mr. *Ewers* a Caution, to trust only stout and trusty Fellows (no matter whether they were Gentlemen or no,) for killing of the King; and another Letter from *Harcourt* to *Ewers*, dated Octob. 12. and received the 14th. 1678, wherein it was said, *This night Sir Edmondbury Godfrey is dispatched*; the reason whereof was, *Ewer's* said, because he had shewn himself too eager upon *Oates's* Examination before him; and that therefore the Duke of *York* sending to *Coleman* to desire him not to reveal what he knew of the Plot; *Coleman* mistrusting Sir *Edmonbury*, sent word back, that it would be never the nearer, because he had been so foolish as to reveal all to Sir *E. Godfrey*, who had promised to keep it all as a Secret, but that now he feared he would

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witness against him. Whereupon the Duke sent word back again, That if he would but take care to conceal, he should not come in against him; And upon this he was quickly dispatched. — That he had oft been brought to the Oath of Secresy, and the Sacrament, and particularly, when he withdrew, on a *Monday*, about the 18th or 19th of *November*, 1678, from the Lord *Aston's*, when he carried all his Papers, and burnt them at a Neighbouring-house, because he knew they would discover him and others concerned in the Plot; But afterwards understanding such his Promises of Secrecy were better broke than kept, he came in to make his Discovery.

Then Mr. *Prance* deposed, That in 1678, he went to one *Singleton*, a Priest, at one *Hall's*, a Cook in *Ivy-Lane*, who told him, That he did not fear, but in a little time to be a Priest in a Parish Church; and that he would make no more to stab 40 Parliament-Men, than to eat his Dinner; which at that very time he was a doing.

Then Dr. *Oates* was sworn, and told, how in the Year 1676, he was admitted Domestick Chaplain to the Duke of *Norfolk*, being then a Minister of the Church of *England*; Where he became acquainted with some Popish Priests, and was told from one *Singleton*, That the Protestant Religion was upon it's last Legs; and it would become him, and all Men of his Coat, to hasten betimes home to the Church of *Rome*. Having a strong suspicion some Years before, of the apparent growth of Popery, to satisfy his

Curiosity, he pretended some Doubts, and at last a Conviction by the Jesuits (because he observed them most able to inform him) and accordingly was reconciled on *Ashwensday*, 1676. Soon after, *Strange* (the then Provincial) told him, his Ordination was invalid, and he must become a Lay-man; then he desiring to be of their Order, the Fathers, upon a Consultation at *Wild-House*, admitted him; and because his Years were not suitable to be a novice, they proposed travelling to him, to go beyond-Sea, and do their Business. This he accepted, and accordingly went *April* 1677, into *Spain*, to *Validolid*, having their Letters of Recommendation; where he found Letters come from *England* before him, and dated in *May*, wherein was expressed, That the King was dispatched, which caused great joy to the Fathers; but afterwards Letters dated the latter end of *May* came to certify their Mistake, and to desire the Fathers to stifle the News. Some Letters he opened also by the way, wherein was an Account of a Disturbance designed in *Scotland*, and of the Hopes they had for carrying on the Catholick Cause in *England*. That in *June* Letters came thither, expressing, That *Beddingfield* was made Confessor to the Duke of *York*, whom they hoped would prevail much with him, in order to this Design; and that Letters from *St. Omers*, dated the same Month, gave account, That Father *Beddingfield* had assured them of the Dukes willingness to comply with them.— That travelling through this Country, he found that Money had been there raised and sent to
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England, and particularly that the Provincial of the Jesuits of *Castile* had advanced 10000*l.* promised to be paid in *June* following. That upon some Missioners arriving there in *December*, one *Mumford*, alias *Armstrong*, preach'd, That the Oaths of Allegiance and Supremacy were Antichristian, Heretical, and Devilish, vilifying and abusing the King's Legitimacy; saying, That his Religion intitled him to nothing but sudden Death and Destruction.—In *November* he return'd for *England*, and coming into *Strange's* Chamber, there was Father *Keins* lying ill upon *Strange's* Bed, and *Keins* was saying, He was mighty sorry for honest *William* (so they called *Grove* that was to kill the King) for missing in his Enterprize. They being more zealous for killing the King, after he had refused *Coleman* the Dissolution of the Long Parliament. He came to *St. Omers*, *December* 9th or 10th N. S. and carried Letters from the Provincial, and other Fathers, wherein *Strange* told them, he had great hopes of effecting their Design next Year, but as yet they could not. That they had Letters from their New Provincial *Whitebread*, the same Year, to order *Conyers* to preach on *St. Thomas of Canterbury's* day, saying he would be as zealous for carrying on of their Design as his Predecessor had been: In that Sermon *Conyers*, after he had commended the Saint, and declared how unworthily he was sacrificed, did inveigh against the Tyranny (as he called it) of Temporal Princes, and particularly of the King of *England*;—Declaring that the Oaths of Allegiance and Supremacy were
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Antichristian and Devilish, and that it was fit to destroy all such as would countenance them. In *January* they had Letters from *Ireland*, of the Resolution of the Papists there to let in the French King, provided the Parliament should urge the King to break with *France*, and of their Zeal to vindicate their Freedom and their Religion from the oppression of the *English*, as they called it. In *March* Letters from *England* gave account, That there had been a very shrewd Attempt made upon the Person of the King, and that the flint of *Pickering's* Gun was loose, and his Hand shaking, the King did then escape, for which *Pickering* received a Discipline, and *Grove* a Chiding. At the latter end of the same Month, 1678, came a Summons to a Consult, to which eight or nine came over, whereof the Witness was one. It began at the *White-Horse* Tavern, where they consulted about some things of the Society, and afterward adjourned into particular Societies, where they did debate and resolve the Death of the King, and that *Grove* should have 1500*l.* for his pains; and *Pickering*, being a Religious Man, 30000 Masses.—Presently after he returns to *St. Omers*, and after him the New Provincial, who ordered him back again to *England*, where he arrived at *Dover*, *June* 14, meeting there with *Fenwick*, with whom he came to *London* the 17th. Letters arriving just after them, wherein were Proposals to be made to *Sir Geo. Wakeman* for poisoning of the King, and that the 10000*l.* promised by the *Spaniards*, and received accordingly at the time in *London*, should be offered him.

him. *Coleman* thought it too little, *Langborn* too much, saying he was a narrow-spirited Soul, and that he ought to do so great a piece of Service for nothing. There was 5000*l.* of it paid him, as he saw entred in the Books; and Father *Ashby* in *July* renewed the Proposal of 15000*l.* and *Fenwick*, in *August* gave an account to the Provincial of it's being accepted of. In *July*, *Strange* coming to Town, informed him in discourse, how the City was fired, and how many of those concerned in it were taken, and that they were released by the Duke of *York's* Guard, and that all the Order they had for it, they pretended was from the Duke. In *July* he discover'd to Dr. *Tongue*, of which the King had Notice 13th or 14th of *August*, and by the 3^d of *September* he was betray'd, and expos'd to the Vengeance of the Papists, whose Plot he had thus Discovered.

Then to fortify Dr. *Oates's* Evidence, Mr. *Dennis* was called, who deposed, That he saw Dr. *Oates* at *Valladolid* in *Spain*, and related what Discourse they had together, and how they came acquainted; and how the Doctor lent him Money to defray the Expence of his Journey, and sent a Letter by him to *Madrid*, which he heard read, and related the Contents of it.—That he had both heard of, and seen Money collected in *Ireland*, naming the Collectors thereof, in the Year 1668, for the encouragement of the French King to bring in an Army thither; acknowledging himself to be now a Dominican Fryer, and a Papist.

Mr.

Mr. *Jennison* being sworn, deposed, That in 1678, he had heard Mr. *Ireland*, and Mr. *Thomas Jennison*, his Brother, both Jesuits, speak of a Design to get a Toleration, by bribing the then Parliament, by a great Sum of Money procured from their Party : And of securing the Duke of *York's* Succession, by getting Commissions to be granted out to the Papists to be ready to rise upon the Death of the King ; saying also, their Religion could never flourish, till the Government was altered to the French Model. In *June* 1678, he heard Mr. *Ireland* say, in his own Chamber, That Popery was like to come into *England*, and there was but one stood in the way ; that it was an easy thing to poison the King, and that Sir *George Wakeman* might easily and opportunely do it. In *August* after, he also was at his Chamber, and found Mr. *Ireland* newly come out of *Staffordshire*, being then drawing off his Boots ; and discoursing of the suddenness of Popery coming into *England*, he tempted the Witness to be one to go to *Windsor* to take off the King ; which he refusing, *Ireland* asked him, if he knew any Irish Men that were stout and courageous ? and upon his naming some, he took their Names ; asking him for 20 *l.* which the Witness owed him, saying, he should need 80 *l.*—That he had heard his Brother, *Thomas Jennison*, in Discourse, use that Expression which Dr. *Oates* hath in his Narrative ; *If C. R. would not be R. C. he should not be long R. C.* Interpreting it thus in Latin ; *Si Carolus Rex non esset Rex Catholicus, non foret diu Carolus Rex.* Asserting further, That if the King were

were excommunicated, he were no longer King, and it were no Sin to take him off; and if it were discover'd who did it, two or three might suffer; but denying the Fact, the Matter soon would be blown over.—That about two Months after the Mustering upon *Hounslow-Heath*, about the latter end of *July*, and before the Discovery, his Brother told him of a Design, in which the Queen and the Duke, and several Lords were concerned; and that a new Army would be raised to bring in Popery, but he would not tell him more Particulars till he had received the Sacrament of Secresy.—He told him, that one Mr. *Oates* also, a Person newly come over to them, was in this Design; which *Oates* he saw, the latter end of *April*, or beginning of *May*, in Mr. *Ireland's* Chamber.—About the time of *Coleman's* Trial, he heard also one Mr. *Cuffil* a Jesuit say, at his Sister *Hall's* in *Berk-shire*, in *Shinfield-Parish*, That he thought Mr. *Coleman* was infatuated, upon the Discovery of the Plot, to give notice to *Harcourt*, *Ireland*, and *Fenwick*, and the other Jesuits, to burn or secure their Papers, and yet not to secure his own.—Then saying also that *Bellarmino* did draw this Sentence out of the Scripture, to favour the Pope's Authority of Excommunicating. Depriving, and Deposing Temporal Princes, *Quod Papa habeat eandem potestatem super Reges, quam Jehojada habuit super Athaliah*; and that there were other corroborating Testimonies among the Fathers for it.

After this the Records of the Attainder of *Coleman*, *Ireland*, and the other Conspirators, were

were produced; and the Convictions of *Reading, Lane, Knox*, and others, were delivered in. — And the Record of the Attainder of *Coleman* was read in Latin by the Clerk. — Which concluding the Evidences in general of the Plot, the Court thought fit not to enter upon particular Evidences against the Prisoner till another day. Whereupon the Lord High Steward adjourn'd the Lords into the House of Lords, and the Commons returned to their House, where Mr. Speaker reassuming the Chair, the House adjourned to Eight of the Clock the next Morning.

The Second Day.

WEdnesday, *Decemb. 1. 1680*, about 10 of the Clock, the Court being sat, and the Prisoner appearing, Mr. *Dugdale* (being sworn again) appeared to Evidence as to the Particulars against the Lord *Stafford*; who accordingly deposed, That he had been some Years acquainted with the Lord *Stafford*, while he was a Servant to the Lord *Aston*. That in *August* or *September, 1678*, there was a Consult at the Lord *Aston's* at *Tixal*; at which the Lord *Stafford* was, and with the rest did consent to a Resolve, That it was the best way to take away the Life of the King, as the speediest Means to introduce Popery. That on a Sunday Morning the Lord *Stafford* coming to the Lord *Aston's* to hear Mass, as he alight off his Horse, he said to the Witness, It was a sad thing they could not say their Prayers but in an hidden manner, but e're long

long they should have the Romish Religion established. That about *Septemb.* 20, or 21, the Lord *Stafford* sent for him to his Chamber, and proffer'd him 500 *l.* to be concern'd in taking away the Life of the King; wherein, he said, he was concern'd himself; and that he should go in *October* to *London* with him, and be under the Care of him, and Mr. *Ireland* in *London*, and in the Country of one Mr. *Parson's* that knew of the Design: And that he should have a Reward in *London*, and he understood that the Duke of *York*, the Lord *Arundel*, Lord *Bellasis* and others, were to give it him; and that he should have his Pardon from the Pope, and be Sainted. That also he saw a Letter from the Lord *Stafford* to Mr. *Ewers*, expressing that things went all well beyond-Sea, and so he hoped they did here, for the carrying on of their Design.

Then Dr. *Oates* being also sworn again, deposed, That he had seen several Letters in *Spain*, and at *St. Omers*, signed *Stafford*, wherein were assurances of his Zeal for the promoting of Popery in *England*. That in *June* 1678, he saw the Lord *Stafford* at *Fenwick's* Lodging, receive a Commission, as he believes, to be Pay-master General to the Army, which promised to effect; and going then into the Country, he said, he did not doubt but at his return, *Grove* should do the Business. And, speaking of the King, he said there, He had deceived them a great while, and they could bear no longer.—But the Lord *Stafford* denied that he either knew *Fenwick* or *Oates*.

After

After him Mr. *Edward Turbervile* deposed, That he being under some displeasure with his Relations, for not entring himself of the Society, he betook himself to his Brother, a Benedictine Monk in *France*, where staying a while, and refusing to be admitted into that Society also, he resolved for *England*, and to that end was recommended to the Acquaintance of the Lord *Stafford*, then at *Paris*; who after some time understanding his Condition, and imagining him a fit Instrument, he proposed to him a way, whereby (as he said) he might not only retrieve his Reputation with his Relations, but also make himself a very happy Man: And after having obliged him to Secresy, he told him, in direct terms, it was to take away the Life of the King of *England*, who was an Heretick, and consequently a Rebel against God Almighty: But he desiring time to consider it, avoided the seeing my Lord any more, and so came to *London*; and by Applications to the Duke of *Monmouth*, he got into the French Service.—This was in *Novemb.* 1675.—My Lord then charg'd him with running from his Colours, and therefore unfit for such a Service; and that he never saw him before.—

And here the Evidence ceasing, the Lord *Stafford* began his Defence: complaining of his close Imprisonment for two Years, and of his abhorrence of those two great Sins, Treason and Murder; owning and condemning the *Gunpowder Plot*, and the King-killing Doctrine, protesting his own Loyalty and Innocency; Not doubting to prove these Witnesses perjured, and

and therefore requesting the use of the Lord's Journal-Book, and the Depositions of *Dugdale*, *Oates*, and *Turberville*, without which he could not make his Defence. Hereupon arose some Debate in the Court, after which the Lords withdrew, and after an hour and an halfs space, returned; and then the Lord High Steward did tell the Lord *Stafford*, that what-ever Evidence there is before the Court of Peers, he was to have; but for the others, they could not help him thereto; and in regard he had complained of his Faintness, the Lords intended not to put him upon it, to go on to make his Defence, but would give him time till to Morrow. For which the Lord *Stafford* thanked the Lords; but insisted to request moreover the Depositions of *Dugdale*; but he was told they were in the Journal-Book, which he was allowed the use of. Then the Prisoner desired he might not appear till ten of the Clock next day, because he wanted Sleep, writing late;—or that one days respite might be allowed him; which the Lord High Steward seemed inclinable for, but was opposed by the Managers for the Commons: then the Court adjourned into the Parliament-Chamber, and the Commons went to their House; to whom the Lords soon after sent a Message, That they had ordered the Prisoner to the Bar at Ten of the Clock next Morning. And then the Commons adjourned to Eight the next Morning.

The Third Day.

THursday, *Decemb. 2. 1680.* at Ten the Court being sate, the Prisoner was set to Bar, and required to go on with his Defence; For which end he called *Turbervile*, and asked him, when he last saw him? who said, in *Novemb. 1675.* Whence he made his Plea, that he was not within the time limited for prosecution; but was informed of his Mistake, lesser Crimes being limited to six Months, but Treason to no time at all.

Then *Dugdale* being called again, was by him charged, That he had sworn at Sir *George Wake-man's* Trial, that he (the Lord *Stafford*) was at a Consult at *Tixal*, in *August 1678*, and proved it by the Testimony of the Lady Marchioness of *Winchester*, and one Mrs. *Howard*, who affirm'd they heard him (though *Dugdale* denied it); and then proved that he was all that Month at the *Bath*, and at the Marquess of *Worcester's* House, by *Thomas Bonny* Clerk of the Kitchen to the Lord Marquess of *Worcester*, *Thomas White* his Coachman, *Richard Bevan* his Groom, and the Lord Marquess himself; and that he came not to *Tixal* till *Septemb. 12.* and then had no Converse alone with *Dugdale*, nor could ever endure him; reviling him, as having been a poor Boy found at the Door, then a Thresher, then a Bailly, and now a Witness for the King. To this end, he acknowledged that he spoke to *Dugdale* on the 20th of *September* in his Chamber, but not alone, nor about any thing but

but a Race to be run that day on *Etching-Hill*; which he proved by the Testimony of his own Servants, *Nicholas Furness* a Dutch-man, (whose Blunder in his Evidence, made the Auditory laugh) and *George Leigh*. He produced also *Thomas Sawyer*, a Servant to the Lord *Aston*, and Mr. *Phillips* Parson of *Tixal*, as to the Reputation of *Dugdale*, who said little more to disparage him, than that he ran away from the Lord *Aston*, and was apprehended, and would then have been own'd by my Lord as his Servant, which was refused; and Sir *Walter Bagot*, Mr. *Thomas Kinnerley*, and Sir *Thomas Whitgrave*, being the Justices before whom he was brought, affirmed, That then he took the Oaths of *Alliance*, &c. and protested he knew nothing of the Plot!

Then the Lord *Stafford* offered to prove further against *Dugdale*, that he had offered Mony to some to swear falsely against his Lordship; to this end *William Robinson*, a *Worcestershire*-man, affirmed, That about *Midsummer* was twelve-month, *Dugdale* offered him Mony in *London* to swear against the Lord *Stafford*; and *John Morral* a Barber in *Ridgley* in *Staffordshire*, that he proffer'd him 50 *l.* in Hand, and 50 *l.* more when the thing was done, to swear against Mr. *Howard*, Sir *James Symonds*, Mr. *Herbert Aston*, and several others, as concern'd in the Plot: And *Samuel Holt* a Black-smith at *Tixal*, that he proffered him 40 *l.* to swear that *Walter Moor* carried *Ewers* away.

Then the Lord *Stafford* proceeded to prove, that *Dugdale* deposed, at the Trial of the five

Jesuits, That he communicated the News of Sir *E. Godfrey's* Death, which was on Saturday, to Mr. *Sambidge* the Tuesday following; which Mr. *Sambidge* denies. That he so swore Mr. *John Lydcott* (a Fellow of *King's-Colledge* in *Cambridge*), and one *Charles Gifford* (who were present at that Trial, and took Notes) did testify. And Mr. *Sambidge* denied that he heard of the News till Friday or Saturday, or that he was at the Ale-house with *Dugdale* at all; but that he was an ill Man, and very abusive, especially to the Clergy.

Then the Lord *Stafford* proceeded against Dr. *Oates*; objecting against him, That when he was examin'd before the Council, having named many, and not naming the Prisoner, he said, he had no more to accuse; and for the proof of this he call'd Sir *Philip Lloyd*, who remembred nothing of it, and appealed to the Lords then present, but none could speak to it; till at length the Earl of *Berkley* did say, That he remembred, in the House of Lords, when Dr. *Oates* was asked, If he could accuse any other Person of what Quality soever? *Oates* answered, That he had no more in relation to *England* to accuse, but in relation to *Ireland* he had; which was after he had accused the Lord *Stafford*, though before he had accused the Queen.

Then he called for Mr. *Dugdale* again, and objected further against him, That he did depose before *Tho. Lane* and *J. Vernon*, two Justices in *Staffordshire*, Decemb. 24. 1678. That presently after one *Howard*, Almoner to the Queen, went beyond-Seas, he was told by *Geo.*

Hobson,

Hobson, (Servant to the Lord *Aston*) that there was a Design, &c. Whereas this *Hobson* was not a Servant to the Lord *Aston* of three Years after the Almoner went, and yet here he says presently. But *Dugdale* explained, that his meaning was, that *Hobson* told him there was a Design presently after the Almoner went, &c. Which was contested, but at last submitted to.

Then Mr. *Turberville* was called again ; and the Prisoner objected against him his deposing to the Year 1673 one day, and to 1672 the next ; whence he concluded him to be necessarily perjured : But Sir *William Poulteney*, who took his Affidavit, related the whole Story, which shewed him to be mistaken in the Year ; which he finding out that Night, by a Paper he found, came and corrected it himself the next Morning. And whereas the Lord *Stafford* had charged him for a Coward, and for running away from his Colours, he produced his Discharge from his Captain, which certified otherwise. Then whereas *Turberville* had before deposed, that his Lordship was lame of the Gout, when he waited upon him in *France*, he declared he had not been lame these forty Years, and never had the Gout in his Life ; and his two Servants, *Furness* and *Leigh*, testified the same for the time they had lived with him, and who were with him then in *France*, but denied that ever they saw *Turberville* with him. And whereas *Turberville* deposed, That he came to *England* by *Calice*, he said, he came by *Diep*, and produced one Mr. *Wyborne* who testified the same,

together with his aforefaid two Servants. Again, whereas *Turbervil* depofed, That when he came from *Doway*, his Relations were angry with him, and the Lord *Powis* and his Lady; he affirmed, that he was upon his return, received courteoufly at the Lord *Powis's* Houfe, and by his Relations; which was testified by *John Minhead*, one that belonged to the Lord *Powis*, and a French-Man. And whereas *Turbervile* faid he was disinherited; his elder Brother, by another Mother, testified the kindnefs of his Relations towards him, and that there was no Eftate likely ever to come to him, there being fo many Heirs before him. Finally, whereas *Turbervile* alfo, in his Affidavit had faid, the Lord *Caftlemain* was at the Lord *Powis's* at fuch a time, which muft be either in the Years 1672, 1673, or 1674, he called Mr. *Lydcott* again, to testify he was not in *Wales* in any of thofe Years, who by his Notes, which he confeffed he had tranfcribed out of another Book, fpoke very particularly to the times; only the beginning of 1672, he could not tell how to account for; nor did *Turbervile* ever fay pofitively to a Year.

So the Lord *Stafford* being asked if he had any more Witneffes? and answering he had three or four, the Peers thought it too late to proceed, and fo adjourned into the Parliament-Chamber, and the Commons went back to their Houfe; to whom the Lords fent a Meflage, that they had ordered the Prifoner again to the Bar at Ten next Morning.

The Fourth Day.

FRiday Decemb. 3, 1680. about Ten the Court being sat, and the Prisoner at the Bar, the Ld. High Steward reminding him how far he had gone, and where he left off in his Defence, desired him to go on: Who called therefore *John Porter*, Butler to the Lord *Powis*, who said, That about a Year ago, in several places in *London*, he heard *Turbervil* say, that he believed neither the Lord *Powis*, nor the rest of the Lords were in the Plot, and the Witnesses that swore against him he believed were perjured, and he could not believe any thing of it; and that as he hoped for Salvation, he knew nothing of it neither directly nor indirectly; and altho he was a little low at present, and his Friends would not look on him, yet he hoped God would never leave him so much, as to let him swear against innocent Persons, and forswear and damn himself. Mr. *John Talden*, a young Barrister of *Greys-Inn* also affirmed, that as he walked with *Turbervil* in *February* or *March* last in *Grey:-Inn-Walks*, he heard him say, *God damn me, now, there is no Trade good but that of a Discoverer, but the Devil take the D. of York, Monmouth, Plot and all, for I know nothing of it.* Afterwards *Talden* being gone, words pailing between *Turberville* and him, they both complain'd of one another to the Court.— The Ld. *Stafford* then call'd for *Oates* again, objecting against him, his swearing before the Council, that he saw in *Spain* *Don John* of *Austria*, but the Lord

Privy-Seal affirm'd that he only then said, that he saw one whom he was told was that Person, and that he did not know him of himself. The Prisoner further objected that none of his Letters, nor no Commission was produced; that he knew neither *Oates* nor *Fenwick*, nor ever saw *Oates* either at *Fenwick's* or Dr. *Perrot's* (tho *Oates* instanced in a Circumstance at Dr. *Perrot's*, how he offer'd him half a Crown to call *Perrot* home to him, which he refused, saying, he was no Porter) and that he was not to be look'd on as a credible Witness, because he dissembled with God, in as much as he deposed that he never was but seemingly a Papist. Saying also, that but last night he called the Lieutenant of the *Tower*, Jaylor, and Rascal, which became not a Man of his Coat. He charged then *Dugdale* again, that he was a Prisoner for Debt in *Stafford* when he made his first *Affidavit*, and *Dugdale* acknowledg'd he was then under the Serjeants hands. He objected moreover *Oates* Poverty, and that he said in a former Trial, that he was 700 *l.* out of Purse: Whereupon Dr. *Oates* confess'd his Poverty, and offer'd to prove how he had disburs'd so much Mony, relating how he had so much given him, and got so much by printing some Copies. And here the Prisoner ending his Defence, the Managers offer'd, before they summ'd up the Evidence, to produce their Witnesses to fortify their Evidence, and to discover what kind of Witnesses have been made use of against it, and to falsify what the Prisoner's Witnesses have said in some Particulars.

And

And first of all, Mr. *William Hanson* of *Wilt* in *Staffordshire*, deposed, that he had seen *Dugdale* alone with the Prisoner in the Lord *Aston's* Parlour.

Then Mr. *James Ansell* of *Heywood* in *Staffordshire* deposed also, that being of *Tixal*, he saw the Prisoner and *Dugdale* walking alone together in the Court, and that after the Plot was discovered, that *Dugdale* was fearful of coming into Company. That also he and Mr. *Hanson* was at *Eld's* the Ale-house, *Oct.* 14. on Monday Morning, and heard Mr. *Dugdale* tell of the Murther of a Justice of Peace of *Westminster*, in the presence of Mr. *Phillips*, and Mr. *Sambidge*, who before have denied it, and *Hanson* being called again, deposed the same.

Mr. *Birch* also deposed, that it was all about those parts by Tuesday and Wednesday, *Octob.* 15, and 16. that a Justice of Peace of *Middlesex* was killed.

John Turton Esq; deposed that he was told of the Rumor on Tuesday, *Octob.* 15. and that it was Sir *Edm. Godfrey* that was murdered, and as it was supposed, by the Papists.

Then against the Testimony of *William Robinson*, Mr. *Booth*, a Member of the House of Commons, deposed that he heard him in *Cheshire* talk the most atheistically as ever he heard any Man in his Life, ridiculing the *Sabbath*, it being on a *Sunday*, and that from others he had heard how he went about the Country to cheat.

The Earl of *Macclesfield* deposed, much to the same purpose, and that he had heard him confess himself a Rogue, and false Dice were found

found about him, being before a Justice of Peace.

Against *Samuel Holt*, another of the Prisoner's Witnesses, *Sampson Rawlins*, deposed, that he was a Man of a very ill Report where he lived, a lewd drunken Fellow, and said to keep another Man's Wife, and that he said none but Rogues would take Mr. *Dugdale's* part, and because the Witness did so, he would have murder'd him, and that he broke the Lord *Aston's* Wine-Cellar, and my Lord bid Mr. *Dugdale* send him to Goal, but he begg'd him his Pardon; that he had known Mr. *Dugdale* this 14 or 15 Years in good Repute and an honest Man.

Thomas Launder deposed much to the same purpose against *Holt*, adding that he was, by a Consult of them at *Tixal*, proffer'd Mony to have sworn *Anselm* a perjured Rogue at the Lord *Aston's* Trial.

Against *John Morrall*, *Thomas Thorne* deposed, that he was a poor needy Fellow, that wandred about the Country, and but of an indifferent Reputation.

Then *Simon VVright* deposed, that one *Plessington* had proffer'd him 700 l. to own himself perjured at Mrs. *Price's* Trial, and to swear that *Dugdale* would have given him Money to swear against Sir *James Simons* and Mr. *Gerard*, and they made him write Letters to this purpose; this *Plessington* was the Lord *Bellasis's* Steward.

Then *Elizabeth Eld* deposed, that she and her Sister help'd to burn Mr. *Dugdale's* Papers that Morning he went away from the Lord *Aston's*, and one little Book he said had no Treason in it,

it, and needed not therefore to be burnt ; Why, said the Witnefs, is there Treason in any of the other Papers ? to which he only answered, Do you think there is ?

Ann Eld, her Sister, deposed also the very same things.

Then one *Mr. Michael Noble*, deposed that he had help'd him to make up his Accounts, and been with *Mr. Dugdale* at the *Tower*, to account with the Lord *Aston* twice, and one time the Lord *Aston* would not be spoke with, and another time they spake with him with great difficulty, but he would not produce the Book wherein *Mr. Dugdale* said the Discharges were.

Then *Mr. Stephen Colledge*, deposed he was with *Mr. Dugdale* at the *Tower*, when he went to make up his Accounts with him, but they could not be admitted ; and that then he heard one of the Lord *Aston's* Men say, that *Mr. Dugdale* was as honest a Gentleman as ever lived in their Family.

Then *Mr. Nich. Boson*, who was with *Mr. Dugdale* at the same time with *Mr. Noble* and *Mr. Colledge*, deposed to the same purpose.

Then for the Vindication of *Dugdale's* Credit, *Thomas Whitby*, Esq; deposed that he had known *Mr. Dugdale* nine or ten Years in the *Ld. Aston's* Service, and that he was his Steward, and all the Servants under him, and was entrusted with all his Estate, and counted faithful to his Master's Interest, only he hath heard some Tradesmen say that he hath put them off without Mony.

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Then Mr. *William Southall*, a Coroner of *Staffordshire*, was sworn, who testified to the Reputation of *Dugdale*, having known him eight Years, and gave a large account of his first Discovery of the Plot, being then present, how that on *December 23, 1678.* he meeting Mr. *Dugdale* at *Stafford* upon business, he perswaded him to discover, and got him examin'd that day, and afterwards more fully the next day.

After him one Mr. *Thomas Mort*, who had been Page to the Lord *Powis*, deposed that he saw *Turberville* at *Paris*, and knew he convers'd with the Lord *Stafford* whom he knew not, and came with him to *Diep*, to go over with him and my Lord, for whom they waited a fortnight, much to their Inconveniency; and therefore he or some of the Company said, *Cursed is he that relies on a broken Staff*, alluding to the Lord *Stafford's* Name. That *Turberville* then told him, if he went to *Calice*, he might go over with my Lord, but how he came to know that, he knew not; but he got another opportunity, and so came over.

Then Mr. *Powel*, a Gentleman of *Greys-Inn*, deposed, that he heard him mention his knowledge about the Plot about a Year ago, but that he did not think fit then to reveal it, for fear of his Brother's Anger, and because some of the Witnesses had been discouraged, and he was afraid he should be so too.

Then Mr. *Arnold* (one of the Members of the House of Commons) deposed that he knew Mr. *Turberville* to be a very civil honest Gentleman, and that the reason he discover'd no
sooner

fooner was, he told him, because the Witnesses that were come in were in danger of their Lives, and were discouraged, and as long as the D. of *Tork* had so great a Power in the Council, and the Lady *Powis's* Brother in those Parts he lived (which his Lordship usually calls his Province) he durst not for his Life.

Then Mr. *Hobby* being sworn, gave a very good Character also of Mr. *Turberville*, whom he had known four Years.

Mr. *Matthews*, a Divine, being sworn, gave him likewise a good Character, and that he had often discoursed with him, and found him inclinable to come off from the Roman Religion, and that he had known him four Years.

Mr. *William Seys* being sworn, said, he never heard nor knew any ill by Mr. *Turberville*, whom he had known two Years.

Captain *Scudamore* deposed much the same as to Mr. *Turberville's* Credit.

Then whereas the Lord *Stafford* had brought his Servants to prove he had not been lame of so long a time; the Lords *Stamford* and *Lovelace* deposed that they had observed him lame within less than seven Years, which his Lordship excused, saying it was only his Weariness.

And here the Managers resolving to call no more Witnesses, urged the Prisoner to sum up his Defence, that the Process might be closed. But he called Mr. *Whitby* again, asking him if he had not once complained of *Dugdale* to the Lord *Aston*, telling him he was a Knave? Mr. *Whitby* confessed he told the Lord *Aston* that *Dugdale* was a Dishonour to his Family, in not paying
People

People their Mony, when they came for it. But he was told afterwards, it signified nothing, for that the present *Ld. Aston* would hear nothing against him.

Then the *Ld. Stafford* gave into the Court *Wright's* Letter; who being called, owned his hand, saying, That was one which he was hired to write; which intimated as if *Dugdale* had suborned him to swear false, &c. Then the Prisoner being urged to conclude, he protested his Unreadiness and Weakness; whereupon the Court broke up, and the Lords sent a Message to the Commons, that to morrow morning at 10, they had ordered the Prisoner again to the Bar.

The fifth Day.

Saturday December the 4th, 1680. About 10, the Court being sat, and the Prisoner call'd upon to sum up his Defence, he prayed leave to call a few Witnesses more, which after some Debate, and his Lordships Weeping, was admitted. And then the Lord *Ferrers* was called upon to speak his Knowledge of *Southall*; who said he could only speak by hear-say, that he had been an active Man in the late times against the King, and is counted a pernicious Man against the Government.

The Lieutenant of the *Tower* also was called, and testify'd that *Dugdale* coming to make up his Accounts, the Lord *Aston* desired the Lieutenant to be present, who said he did not understand Accounts, but would get one that did; whereupon *Dugdale* said he would come another time,

time, but never did that he saw or heard of.

The Prisoner began to sum up his Defence; and ended with proposing these five Points of Law. 1st. That there is no precedent for criminal Proceedings to be continued from Parliament to Parliament, as this had been to three. 2^{ly}. Whether in capital Cases, they can proceed upon Impeachment, and by Indictment first found by the Grand Jury. 3^{ly}. There is a defect in the Impeachment, there being no overt Act alledged. 4^{ly}. The Witnesses by Law are not competent, because they swear for Mony. And not having proved him a Papist, whether he can be concern'd as to the Plot in general. 5^{ly}. That there ought to be two Witnesses to every point. Thus concluding, the Managers vindicated Mr. *Southall's* Credit sufficiently, by the Depositions of the Lord *Brook*, and Mr. *William Leveson-Gower*, who knew him very well to be an honest able good Man, and of the Church of *England*, and an eager Prosecutor of Papists. Then Sir *William Jones*, one of the Managers, summ'd up the Evidence very largely, and Mr. *Pomle* another of them, proceeded, and Serjeant *Maynard* answered his matters in Law, shewing to the third several Overt Acts, as receiving a Commission, being at Consults, and hiring Persons to kill the King. To the 2^d, That an Impeachment of the House of Commons is more than an Indictment. To the 1st, That what is once upon Record in Parliament, may at any time be proceeded upon. And then Sir *William Jones* spoke again: And to the 5th, said, there needed but one Witness to one Act, and another to another,

ther, where the several Acts as here, fall under the same head of Treason. And to the 4th, that he had not proved, and however that what Mony the Witnesses had, was for their Maintenance only. Sir *Francis Winnington* spoke also to the same heads. And then the Prisoner urged that his Counsel might be heard as to those Points; who were Mr. *VVallop*, Mr. *Sanders* and Mr. *Hunt*, and the first proposed to be handled, being the last; Mr. *VVallop* excused himself from speaking to it, because it lately had been determin'd in the inferiour Courts, — Then the Lords adjourned into the Parliament Chamber to consider the Points, the Commons staying, and returning after about an hour, the Lord High Steward, declared that it was the Lords Will that all the Judges present should give their Opinions, whether the 5th Point was doubtful and disputable or no. Then all the Judges consulted privately together, and afterward gave their Opinions (in the Negative) *Seriatim*; first the Ld. Ch. Justice *North*, (the Ld. Ch. Justice *Scroggs* being absent) then the Ld. Ch. Baron *Montague*, Mr. Justice *VVyndham*, Mr. Just. *Jones*, Mr. Just. *Dolben*, Mr. Just. *Raymond*, Mr. Baron *Atkins*, Mr. Baron *Gregory*, Mr. Baron *VWeston*, and Mr. Just. *Charlton*. — After which the Court adjourned, and the Lords sent a Message to the Commons, that they had ordered the Prisoner to the Bar again on *Monday* morning at 10 a Clock.

The sixth Day.

Monday, *December 6.* 1680. about 11 the Court being sat, and the Prisoner at the Bar, his Petition was read, which was for leave to offer a few things more to clear himself, and which the *Ld. H. Steward* told him the Lords had granted. He then said, that seeing he had received their Order that his Counsel should not be heard touching the continuance of Impeachments from Parliament to Parliament, he desired that he might offer them his own Conceptions concerning that; urging that they had not yet declared their own Judgments either as to that, or whether they did acquiesce in the Judges Opinions; praying that his Counsel might be heard as to the other points: protesting his own Innocency and Abhorrency of Treason: reading then his Case, and repeating his Defence, &c. After which the Lords adjourned into the Parliament Chamber, and the Commons returned to their House, and received a Message from the Lords, that they had ordered the Prisoner to the Bar to receive Judgment to morrow at 10.

The seventh Day.

Tuesday *December 7,* 1680. About 11 the Court being sat, the *Ld. H. Steward* took the Votes of the Peers upon the Evidence, beginning at the *Puisne Baron*, and so upwards in order, the *Lord Stafford* being (as the Law required) absent. The *Ld. H. Steward* began
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then, saying, My Lord *Butler* of *Weston*, Is *William* Lord Viscount *Stafford* Guilty of the Treason whereof he stands impeached, or not Guilty ?

Lord *Butler* ; Not Guilty upon my Honour.

The same Question was put to the rest, whose Names and Votes follow.

Ld. *Arundel* of *Trevice* ; Not Guilty upon my Honour.

Ld. *Crew* ; Guilty upon my Honour.

Ld. *Cornwallis* ; Guilty upon my Honour.

Ld. *Holles* ; Not Guilty upon my Honour.

Ld. *Wootton* ; Not Guilty upon my Honour.

Ld. *Rockingham* ; Guilty upon my Honour.

Ld. *Lucas* ; Not Guilty upon my Honour.

Ld. *Astley* ; Guilty upon my Honour.

Ld. *Ward* ; Not Guilty upon my Honour.

Ld. *Byron* ; Not Guilty upon my Honour.

Ld. *Hatton* ; Not Guilty upon my Honour.

Ld. *Leigh* ; Guilty upon my Honour.

Ld. *Herbert* of *Cherbury* ; Guilty upon my Honour.

Ld. *Howard* of *Escrick* ; Guilty upon my Honour.

Ld. *Maynard* ; Guilty upon my Honour.

Ld. *Lovelace* ; Guilty upon my Honour.

Ld. *Deincourt* ; Not guilty upon my Honour.

Ld. *Grey* of *Wark* ; Guilty upon my honour.

Ld. *Brook* ; Guilty upon my honour.

Ld. *Norreys* ; Not guilty upon my honour.

Ld. *Chandos* ; Guilty upon my honour.

Ld. *North* and *Grey* ; Guilty upon my honour.

Ld. *Paget* ; Guilty upon my honour.

Ld. *Wharton* ; Guilty upon my honour.

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Ld. *Eure*, Guilty upon my honour.
 Ld. *Cromwell*, Guilty upon my honour.
 Ld. *Windsor*, Not guilty upon my honour.
 Ld. *Comyers*, Guilty upon my honour.
 Ld. *Ferrers*, Not guilty upon my honour.
 Ld. *Morley*, Not guilty upon my honour.
 Ld. *Mowbray*, Not guilty upon my honour.
 Ld. Viscount *Newport*, Guilty upon my honour.

Ld. Visc. *Faulconberg*, Guilty upon my honour.
 Earl of *Conway*; Guilty upon my honour.
 E. of *Berkley*; Not guilty upon my honour.
 E. of *Maclesfield*; Guilty upon my honour.
 E. of *Hallifax*; Not guilty upon my honour.
 E. of *Feversham*; Not guilty upon my honour.
 E. of *Sussex*; Guilty upon my honour.
 E. of *Guilford*; Guilty upon my honour.
 E. of *Shaftesbury*; Guilty upon my honour.
 E. of *Burlington*; Guilty upon my honour.
 E. of *Ailesbury*; Not guilty upon my honour.
 E. of *Craven*; Not guilty upon my honour.
 E. of *Carlisle*; Guilty upon my honour.
 E. of *Bath*; Not guilty upon my honour.
 E. of *Essex*; Guilty upon my honour.
 E. of *Clarendon*; Not guilty upon my honour.
 E. of *St. Albans*; Not guilty upon my honour.
 E. of *Scarsdale*; Guilty upon my honour.
 E. of *Sunderland*; Guilty upon my honour.
 E. of *Thanet*; Not guilty upon my honour.
 E. of *Chesterfield*; Not guilty upon my honour.
 E. of *Carnarvan*; Not guilty upon my honour.
 E. of *Winchelsea*; Guilty upon my honour.
 E. of *Stamford*; Guilty upon my honour.
 E. of *Peterborough*; Not guilty upon my honour.

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- E. of *Rivers* ; Guilty upon my honour.
- E. of *Mulgrave* ; Guilty upon my honour.
- E. of *Barkshire* ; Guilty upon my honour.
- E. of *Manchester* ; Guilty upon my honour.
- E. of *Westmoreland* ; Guilty upon my honour.
- E. of *Clare* ; Guilty upon my honour.
- Earl of *Bristol* ; Guilty upon my honour.
- E. of *Denbeigh* ; Not guilty upon my honour.
- E. of *Northampton* ; Guilty upon my honour.
- E. of *Leicester* ; Guilty upon my honour.
- E. of *Bridgwater* ; Guilty upon my honour.
- E. of *Salisbury* ; Guilty upon my honour.
- E. of *Suffolk* ; Guilty upon my honour.
- E. of *Bedford* , Guilty upon my honour.
- E. of *Huntington* ; Guilty upon my honour.
- E. of *Rutland* ; Not guilty upon my honour.
- E. of *Kent* ; Guilty upon my honour.
- E. of *Oxford* ; Guilty upon my honour.
- Ld. *Chamberlain*, Not guilty upon my honour.
- Marquess of *Worcester* ; Not guilty upon my honour.
- D. of *Newcastle* ; Not guilty upon my honour.
- D. of *Monmouth* ; Guilty upon my honour.
- D. of *Albemarle* ; Guilty upon my honour.
- D. of *Buckingham* ; Guilty upon my honour.
- Ld. *Privy-Seal* ; Guilty upon my honour.
- Ld. *President* ; Guilty upon my honour.
- Ld. H. *Steward* ; Guilty upon my Honour.
- Prince *Rupert Duke of Cumberland* ; Guilty upon my Honour.

The Ld. H. Steward then declared, that upon telling the Votes, he found there were 31 that think the Prisoner *Not Guilty*, and 55 that have found him Guilty. Whereupon the Prisoner

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ner was brought to the Bar ; and the Ld. High Steward informing him, the Lords had found him *Guilty* : He said, *God's Holy Name be praised for it !* — confessing it surpriz'd him, for he did not expect it ; and that he had only this to say for suspending of Judgment, That he did not hold up his Hand at the Bar, which he conceived he ought to have done ; and that though he was tried upon the Act of 25. *Edw.* 3. yet there being nothing more in that Act, than what is included in the Act of the 13th of this King, he ought only to lose his Seat in Parliament, which was the Punishment there put down for a Peer ; submitting to their Lordships, and desiring their Judgments in these Points.

Then the Lords Adjourned into the Parliament-Chamber, and the Committee of Commons returned to their own House ; and the Speaker having re-assumed the Chair, the whole Body of the House went, with their Speaker, to the Bar of the House of Lords, to demand Judgment of High-Treason against *William* Viscount *Stafford*, upon the Impeachment of the Commons of *England* in Parliament, in the Name of the Commons in Parliament, and of all the Commons of *England*.

Then the Commons, with their Speaker, went back to their House. Then the Lords took into Consideration what Judgment was to be given, and it was moved that he might be beheaded. After some Debate the Judges were asked, Whether if any other Judgment than the usual Judgment for High-Treason were given upon him, it would attaint his Blood ?

The Judges were of Opinion, that the Judgment for High-Treason appointed by Law, is to be Drawn, Hang'd, and Quartered; and in the Courts and proceedings below, they can take no notice of any Judgment for High-Treason, but that.

Then Sir *Creswell Levin*, desired for the King (being his Attorney-General) to have that Judgment; because if any other were given, it would be prejudicial to his Majesty, and be a Question in the inferior Courts as to his Attainder of High-Treason.

So it was ordered, that the ordinary Judgment should be pronounc'd upon him; Which (their Lordships and the Commons being returned, and the Court sate) was accordingly by the Lord High-Steward; he premising a short pithy Speech, wherein he acquainted him, that what he had said in Arrest of Judgment, had been found by the Lords, to be of no moment at all: speaking to the certainty of the Plot, and of his share therein, advising now to consider how God had left him, and that he never leaves any but who leave him first. To think what kind of Religion it is, wherein he had been led to this; And to consider that true Repentance was never too late, moving him to give God the Glory, by a free Confession, &c.

After Sentence pronounc'd, the Prisoner, desired his Relations and Friends might come to him. And the Lord H. Steward inform'd him that the Lords intended to become humble Suitors to his Majesty to remit all the Punishment but the taking off his Head. The Prisoner weeping,

weeping, answered, *That their Justice did not make him cry, but their Goodness.*

Then the Lord High Steward broke his Staff, and the Lords Adjourned into the Parliament-Chamber, and the Commons returned to their House, and the Prisoner, with the Ax born before him, with the Edg towards him (it being carried contrarily during his Trial) was sent back to the Tower.

On Wednesday, *December 29. 1680.* About 10 in the Morning, he was brought to the Scaffold on *Tower-Hill.* And pulling off his Hat, he pulled a Paper out of his Pocket and read it, as his Speech (which the very same day, before two a Clock, came out in Print, as his Speech) and he delivered divers Copies, signed by himself, to Mr. Sheriff *Cornish*, and other Gentlemen about him. He then desired he might have liberty to pray in his own Way; which being granted, he kneeled down by the Block, and taking out of his Pocket another Paper, he read a Latin Prayer; which done, he gave the Paper to Mr. Sheriff *Bethel*; and then spoke to the People about the Scaffold to this effect: *God bless you all, Gentlemen; God preserve his Majesty, He is as good a Prince as ever govern'd you; Obey him as faithfully as I have done; and God bless you all Gentlemen.* Then he strip'd himself to his Waistcoat, and after some few short private Discourses with his Friends, he laid down his Neck on the Block, and stretched himself. The Executioner being demanded by the Sheriffs, whether he had any Sign? he answered, No. Then the Prisoner

raised up his Head, and said, He had no Sign to give, but the Executioner might take his opportunity; and laid his Neck on the Block again. After which, in a short time, the Executioner did his Office, by severing his Head from his Body, and holding up the Head in his Hand, carried it about the Scaffold, shewing it to the People and saying, *Here is the Head of a Traitor.* The Body was put into a Coffin, and conveyed to the *Tower.*

The Arraignment and Plea of Edward Fitz-Harris Esq; &c. at the King's Bench Bar at Westminster, in Easter-Term, 1681.

ON Wednesday, *April 27. 1681.* the Grand Juries for the County of *Middlesex* were sworn and after the Charge delivered by Mr. Justice *Jones*, His Majesty's Attorney General desired, That some of that Grand Jury which served for the Hundreds of *Edmondton* and *Gore* might be present at the swearing of the Witnesses, upon an Indictment for High-Treason, to be preferred against *Edward Fitz-Harris* Prisoner in the *Tower of London*, which was granted; But the Grand Jury being under some Scruples against receiving of the Bill, desired the Opinion of the Court therein; which Mr. Justice *Jones* alone thought not fit to give, but ordered them to attend next day when the Court was full.

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Accordingly on Thursday, *April 28.* the said Grand Jury came to the Bar, and Mr. *Michael Godfrey* (Brother to Sir *Edmond-bury Godfrey*) who was their Foreman, requested the Court, that before they proceeded upon this Indictment, that this same *Fitz-Harris* might be examin'd about his Brother's Death, of which he was supposed to know much, and presented a Petition, (which the Jury own'd) which desired the Opinion of the Court, Whether it was safe for them to meddle with the Indictment of *Fitz-Harris*, because he was impeached by the Honourable House of Commons; which Impeachment being not received, it was voted by them in their House, That he should not be tried by any other Inferior Court?—To which the *Ld. Ch. Justice Pemberton* reply'd, that it was the Opinion of all the Judges, who had assembled to debate this Matter for their satisfaction, that they ought not to take notice of any of these things, but to proceed upon this Indictment according to the Evidence. After which the Jury went away, and found the Bill.

On Friday *April 29* Serjeant *Stringer* moved for an *Habeas Corpus* to bring up *Fitz-Harris* to be examined by the Court about the Death of Sir *E. Godfrey*; The Court granted the Writ, and said, he should be Arraigned upon the Indictment against him, and then they would examin him.

On Saturday, *April. 30.* *Edward Fitz-Harris* was brought, with a strong Guard, to the *King's-Bench* Court; Where desiring to plead to the Jurisdiction of the Court, he put in his Plea; which

which was read, (the substance of it being, what the Grand Jury's Petition had express'd, about his being Impeached by the Commons) which not being sign'd by any Counsel, the Court refus'd; and upon his Request, assign'd him Sir *Francis Winnington*, Mr. *Williams*, Mr. *Pollexfen* and Mr. *Wallop*, (giving to Wednesday, May 4.) to prepare his Plea. After which the Prisoner being carried away to be examined, was then return'd to the Tower.

On Monday, May 2. Sir *Francis Winnington*, and the other three of Counsel for Mr. *Fitz-Harris* came to the Bar, and moved the Court for an Explanation of the Rule concerning themselves, and the Business they were assigned for; Praying for longer time to draw up the Plea, and for a Copy of the Indictment; Both which were denied them. And, upon Mrs. *Fitz-Harris's* Motion, Sir *William Jones*, Sir *Geo. Treby*, and Mr. *Smith* were added to her Husband's Counsel; and leave given for a Solicitor to carry Papers to and fro in the presence of the Lieutenant. Mr. *Wallop* desired Counsel might be assigned in his place, because of the shortness of the time allowed them; but it could not be granted.

On Wednesday, May 4. the Prisoner appearing, put in his Plea; the which Mr. Attorn. Gen. Mr. Sol. Gen. Serj. *Maynard*, Serj. *Jefferies* Sir *Francis Vithins*, and Mr. *Sanders* (being the King's Counsel) used great endeavours to have over-ruled, without so much as hearing the Prisoners Counsel for the maintaining it; for that they said it was nought, because it produced

produced no Record of his Impeachment, and did not specify what the High-Treason was for which he was Impeached; and that the King had Power to proceed on an Impeachment or Indictment for the same thing at his Election.— Nevertheless the Attorney General demurred, and the Prisoner joined in the Demurrer. And then, after much arguing, a Day was given to argue the Plea till Saturday, May. 7. At which time the Attorney General added to the Exceptions he took to the Plea, Whether a Suit in a Superior Court, can take away the Jurisdiction of the Cause, of the Person, and of the Fact, at the time of the Fact committed?

To maintain the Plea, Mr. Williams (of Counsel for the Prisoner) in a very long and learned Discourse, first spoke, stating the Prisoner's Case upon the Indictment, the Plea to the Indictment, and the Demurrer to the Plea: Alledging the Difference of an Impeachment from an Indictment; and offering some Reasons why this Court ought not to proceed upon this Indictment. Then answering distinctly, Mr. Attorney's Exceptions to the Plea; producing some Presidents, of this Courts Prosecution being stop'd by Pleas to the Jurisdiction, shewing what had been done upon those Pleas, What Doom they had: Laying before the Court the Right of the Commons to Impeach in Parliament; the Judicature of the Lords to determine that Impeachment, and the Method, and Proceedings of Parliament, submitting it to them, how far they would lay their Hands on this Case, thus circumstantiated.

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Here the *Ld. Ch. Justice* declared, That all these Things were quite foreign to the Case, and the Matter in Hand only was, Whether this Plea as thus pleaded, was sufficient to protect the Prisoner, from being questioned in this Court, for the Treasonable Matter in the Indictment before them?—To which *Mr. Williams* reply'd, That 'twas an hard matter for the Bar to answer the Bench.

After which *Sir Francis Winnington* pleaded, That he conceived that it was confessed by the Demurrer, that there is an Impeachment by the Commons of *England* of High-Treason against *Fitz-Harris*, lodged in the House of Lords, *Secundum Legem & consuetudinem Parliamenti*. And that the Treason for which he was impeached, is the same Treason contained in the Indictment; So that now the general Question was, Whether an Impeachment for Treason, by the House of Commons, and still depending, were a sufficient Matter to oust the Court from proceeding upon an Indictment for the same Offence? Which he learnedly endeavoured to make good, by several Reasons as well as Presidents.

Mr. Wallop pleaded next, on the same side; whose Province was to prove, That the Treason in the Impeachment, and in the Indictment, was the same, and that this was well averred in the Plea.

Mr. Pollexfen pleaded, That a general Impeachment in Parliament, was a good Impeachment, and the Judges had declared so to the King and Council, concerning the five Popish Lords; who could not therefore be tried upon Indict-

Indictments, so long as general Impeachments were depending for the same Treason; and that therefore this Plea was good, both as to Matter and Form, &c.

In reply to vitiate the Plea, it was insisted on by Mr. Attorn. Gen. Mr. Sol. Gen. Serj. *Jefferies*, and Sir *Francis Withens*, (of Counsel for the King) that the Plea concluded not in the usual Form; That perhaps this Matter, if the Prisoner had been acquitted upon the Impeachment, might have been pleaded in Bar to the Indictment, but it was not pleadable to the Jurisdiction of the Court: That in the Case of the five Lords, the Indictments were removed into the House of Lords; and that the Judges Opinion given at the Council-Board, was not a Judicial Opinion, nor did any way affect this Cause.

After which the Ld. Ch. Justice thought fit not to give present Judgment, but to take time for Deliberation.—Whereupon the Prisoner was carried back to the *Tower*.

And on Tuesday, *May* 10. Mr. Attorney moved the Court to appoint a Day for their Judgment on the Plea, and for *Fitz-Harris* to be brought up; which they appointed to be the next Morning.

Accordingly on Wednesday Morning, *May* 11. the Prisoner being brought to the Bar, the Ld. Ch. Justice deliver'd the Opinion of the Court, upon Conference had with other Judges, That his Brother *Jones*, his Brother *Raymond*, and himself, were of Opinion that the Plea was insufficient, his Brother *Dolben* not being resolved,

ved, but doubting concerning it; and therefore awarded the Prisoner should plead to the Indictment; which he did, *Not Guilty*, and his Trial ordered to be the next Term,

The Trial of Edward Fitz-Harris, at the King's-Bench Bar at Westminster, before the Lord Chief Justice Pemberton, on Thursday, June 9. 1681.

THE Prisoner then and there appearing, after several Challenges made for the King; the Jury sworn were,

*Thomas Johnson.
Lucy Knightly.
Edward Wilford.
Alexander Hoscy.
Martin James.
John Viner.*

*William Withers.
William Cleave.
Thomas Goffe.
Ralph Farr.
Samuel Freebody.
John Lockier.*

To whom the Indictment was read; which was, for High-Treason, in conspiring the Death of the King, and subversion of the Government, the which Mr. *Heath*, Serj. *Maynard*, and Mr. Attorn. Gen. opened.

And then Mr. *Everard* deposed, How the Prisoner was with him on Monday, *Feb. 21. 1681.* (having a little before been with him, to renew the Acquaintance which had been between them, while they were both in the French King's Service;

Service ; and to perswade him to re-ingrati-ate himself into the French and Popish Interest) ; and gave him, by word of Mouth, Heads to write a Pamphlet to scandalize the King, raise Rebellion, alienate the Hearts of the People, and set them together by the Ears. Whereupon he acquainted one Mr. *Savile* of *Lincolns-Inn*, Mr. *Crow*, Mr. *Smith*, and Sir *William Waller* with it: And the next day Mr. *Fitz-Harris* coming again to his Chamber in *Grays-Inn*, he convey'd Mr. *Smith* into a Clofet, (Sir *William Waller* failing to come) where he both saw and heard the Prisoner ask him, What he had done as to the Libel ; and give him further Instructions about what to write, viz. That the King was Popishly Affected, and Arbitrarily Inclined. That King *Charles* the First had an Hand in the Irish Rebellion, and King *Charles* the Second did countenance the same, &c. That the People should therefore be stirred up to rebel, especially the City, &c. That the Day after, he coming again, he had convey'd Sir *William Waller* into the next Room, where he also might both hear and see, shewing him two Copies of what he had drawn up, which he marked that he might know them again, and see what alteration would be made. That *Fitz-Harris* did then read one of the Copies, and amended it, adding some things, and striking out other things ; saying, The Libel was to be presented to the French Ambassador's Confessor, and he was to present it to the French Ambassador ; and that it was to beget a Difference here, while the French should gain *Flanders*, and then they would

would make no Bones of *England*; and that therefore the more Treasonable it was, the better it would do the Effect. For which Libel, the Witness was to have 40 Guinies, and a monthly Pension of some thousand of Crowns; and that he should be brought into the Cabal, where several Protestants and Parliament-Men came to give an Account to the Ambassador how things were transacted: Giving him half a Sheet, written by himself, of further Instructions; among which one was, That it was in the Peoples Power to depose a Popish Possessor, as it was to oppose a Popish Succellor. That this Libel was to be drawn in the Name of the *Nonconformists*, and put upon them; which the Prisoner told him they would disperse they knew how.

Then Mr. *Smith* being sworn, gave an Account at large, how he was convey'd by Mr. *Everard* into the Closet, and of what he saw and heard, as Mr. *Everard* had deposed.

Sir *William Waller* also deposed what he had seen and heard, as was before deposed by Mr. *Everard*; adding, that he made a Report hereof to the House of Commons, and communicated the Paper to them; who immediately proceeded to the Impeachment, which was for the same Treasons mentioned in this Indictment.

Then the Paper was produced in Court, with *Fitz-Harris's* Amendments: And the whole Libel was read over; and Mr. *Bridgman*, and Sir *Philip Lloyd* swore, That *Fitz-Harris* owned his Hand-writing before the Lords in Council. [The Passages inserted in the Indictment were these.]

The Title was, *The true English Man speaking plain English*.—In the Book was as followeth.

“ If *James* be conscious and guilty, *Charles* is
“ so too ; believe me, both these are Brethren
“ in Iniquity, they are in confederacy with *Pope*
“ and *French*, to introduce *Popery* and *Arbitrary*
“ *Government*, as their Actions demonstrate. The
“ Parliaments *Magna Charta*, and *Liberty* of the
“ Subject, are as heavy Yokes they’d as willing-
“ ly cast off, for to make themselves as abso-
“ lute as their Brother of *France*. And if this
“ can be proved to be their Aim and main En-
“ deavour, why should not every true *Britain*
“ be a *Quaker* thus far, and let the *English* Spi-
“ rit be up, and move us all as one Man to Self-
“ defence ? Nay, and if need be, to open Acti-
“ on, and fling off these intolerable Riders ?

And in another place it is said ; “ *J.* and *C.*
“ both Brethren in Iniquity, corrupt both in
“ Root and Branch, as you have seen they study
“ but to enslave you to a *Romish* and *French-like*
“ Yoke. Is it not plain ? Have you not Eyes,
“ Sense, or Feeling ? Where is that old *English*
“ noble Spirit ? Are you become *French* Asses, to
“ suffer any Load to be laid upon you ? And if
“ you can get no Remedy from this next Parlia-
“ ment, as certainly you will not ; and that the
“ *K.* repents not, complies not with their Ad-
“ vice, then up all as one Man. O brave *English*
“ Men ! Look to your own Defence e’re it be too
“ late ; rouse up your Spirits.

And in another place thus ; “ I will only add,
“ That as it is the undoubted *Right of Parliaments*
“ to make a Law against a *Popish* Successor, who
“ would

“ would prove destructive to our Laws and Liberties; so it is their undoubted Right to dethrone any Possessor that follows Evil Counsellors, to the destruction of our Government.

In another place thus; “ Then let all be ready; then let the City of *London* stand by the Parliament with offers of any Mony, for the maintaining of their Liberties and Religion in any extream Way, if Parliamentary Courses be not complied with by the King.

The Prisoner in his own defence to all this, called several Witnesses.

Dr. *Oates* said, Mr. *Everard* told him the Libel was to be printed, and to be sent about by the Penny-Post to the Protesting Lords, and Leading Men of the House of Commons, who were to be taken up as soon as they had it, and searched, and to have it found about them. He said, the Court had a hand in it, and the King had given *Fitz-Harris* Mony for it already, and would give him more if it had success.

Mr. Sheriff *Cornish* said, when he came from *Newgate* to the King, to give him an Account in what disposition he found the Prisoner to make a Discovery; the King said, He had had him often before him and his Secretaries, and could make nothing of what he did discover; that he had for near three Months acquainted the King he was in pursuit of a Plot, relating much to his Person and Government; and that in as much as he made protestations of Zeal for his Service, he did countenance and give him some Mony; and that he came to him three Months before he appeared at the Council Table.

Col.

Coll. *Mansel* said, That Sir *William Waller* gave him an Account of this Business, in the presence of Mr. *Hunt*, and others, at the Dog-Tavern, and said, that when he had acquainted the King with it, the King said, He had done him the greatest piece of Service that ever he had done him in his Life, and gave him a great many Thanks. But he was no sooner gone, but two Gentlemen told him, that the King said, He had broken all his Measures, and the King would have him taken off one way or other; and said, Sir *William Waller* said, the Design was against the Protestant Lords, and the Protestant Party.

Mr. *Hunt* then confirmed the same thing, and added, that Sir *W. Waller* said, The Design was, to contrive those Papers into the Hands of the People, and make them Evidences of Rebellion.

Mr. Sheriff *Bethel* said, That *Everard*, before ever he had seen his Face, or heard him speak a word, had put in an Information of Treason against him, at the instigation of his Mortal Enemy; which was so groundless, that though it was three Years before, yet he never heard a word of it till last Friday.

Mrs. *Wall*, after much shifting, only could besqueez'd to say, that *Fitz-Harris* had 250 l. 200l. or 150l. for bringing in the Lord *Howard* of *Essex*; adding, That he was look'd upon to be a *Roman Catholick*, and upon that account it was said to be dangerous to let him go near the King, that he was never admitted to him.

The Lord *Howard* then related, how the Prisoner was imployed to introduce him to the Dutcheſs of *Portsmouth*, where he met with the King; and that he interceded for the Prisoner with her.

The Lord *Arran* ſaid, That he and *Fitz-Harris* dined together the Day he was apprehended, and that he pulled out Papers, but he reſuſed to read them: That he ever thought him of the beſt and loyalleſt Principles of any of his Religion.

Mr. Secretary *Jenkins* ſaid, He could not remember the King had ever employed him.

The Lord *Conway* ſaid, that the King had declared in Council, that *Fitz-Harris* had been employed by him in ſome trifling Buſineſs, and that he had got Mony of him; but added, as of his own Knowledge, that the King never ſpoke with him till after he was taken, which was *Feb. 28.* laſt.

Mr. *Bulſtrode* was asked by the Prisoner, What Meſſage he brought, and what proffer he made from the Court to his Wife? But to this he would ſay nothing, only that *Fitz-Harris's* Wife reſuſed to be examin'd, unleſs the King would ſpeak to her alone.

The Dutcheſs of *Portsmouth* would likewise own nothing concerning him, but that ſhe had three or four times ſpoke to the King for him to get his Eſtate in *Ireland*; and that what Mony he had had from her, was only for Charity.

After this the Prisoner concluded his Defence, complaining of his hard Uſage, profeſſing his enmity to the French Intereſt; and that *Everard* knew

knew the Design of that Libel was otherwise; concluding, that the Jury could not find him now Guilty, because of his Impeachment in a Superior Court.

The Sol. General then summ'd up the Evidence; and Serj. *Jefferies* and the Ld. Ch. Justice gave the Charge to the Jury; who desired the Opinion of the Court, since the Prisoner had been impeached, whether they were compellable by Law to give a Verdict in this Case upon him? To which the Ld. Ch. Justice said, That the Vote of the Commons, *viz.* That the Prisoner should not be tried in any other Inferior Court, could not alter the Law; and that the Judges of this Court had conference with all the other Judges concerning this Matter; and it was the Opinion of all the Judges of *England*, that this Court had a Jurisdiction to try this Man. After which Justice *Jones* was of Opinion, That if the Prisoner were acquitted on this Indictment, it might be pleaded in Bar to the Impeachment. Justice *Dolben* and Justice *Raymond* declared they were of the same Opinion.

The Jury withdrew for half an hour, and then brought the Prisoner in *Guilty*.

And on Wednesday, *June 15. 1681.* the Ld. Ch. Justice sentenc'd him to be *Drawn, Hang'd, and Quartered.* Which was accordingly executed upon him, together with *Plunket*, at *Tyburn*, on Friday, *July 1. 1681.*

*The Trial of Dr. Oliver Plunket, Titular
Primate of Ireland, before the Lord
Chief Justice Scroggs, at the King's-
Bench Bar at Westminster, on Wednes-
day, June 8. 1681.*

ON *May* the 3d. 1681. the Prisoner was
there Arraign'd, upon an Indictment of
High-Treason, for Conspiring the Death of
the King, and to levy War in *Ireland*, and to
alter the Religion there, and to introduce a
Foreign Power.

To which he urged, that he had been arraign-
ed for the same Treason in *Ireland*, and at the
Day of his Trial the Witnesses against him did
not appear. But the Court shew'd him the in-
validity of that Plea, because he had never yet
undergone any Trial; therefore he Pleaded
Not Guilty.

On Wednesday, *June* 8. following, he was
again brought to the Bar, and still urged for
more time, because he pretended he had not yet
got over all his Witnesses, and some Records
from *Ireland*; But he having already had five
Weeks, the Court would not hearken; and
therefore the Jury sworn, were

Sir John Roberts,
Thomas Harriott,
Henry Ashurst,
Ralph Bucknall,
Richard Gowre,
Richard Pagett,

Thomas Earsby,
John Hayne,
Thomas Hodgkins,
James Partherich,
Samuel Baker,
William Hardy.

To

To whom the Indictment being read, the same was opened by Mr. *Heath*, Serj. *Maynard*, and Mr. Attorney General.

And then *Florence Weyer* being sworn, deposed, That he knew there was a Plot in *Ireland*, both before *Plunket's* time, and in his time; which was working in 1665 and 1666, but was brought to full maturity in 1677; then Col. *Rely* and Col. *Bourne* being sent from the French King into *Ireland*, with a Commission to muster as many Men as they could; promising to send an Army of 40000 Men to land at *Carlingford* on *St. Lewis-day*, to destroy all Protestants, and set up the French King's Authority. And one *Edmond Angle*, a Justice of Peace, and Clerk of the Crown, sent for all the Rebels abroad in the North to come up into the County of *Longford*; and they marched into the head Town of the County, and fired it; the Inhabitants fled into the Castle; but *Angle* being shot, the Rebels fled, and carried with them all the Papers *Angle* had in his Pocket. Hereupon Col. *Bourne* became suspected, and was imprison'd, and Col. *Rely* fled into *France*, and the Plot lay under a Cloud, till the Prisoner came to be Primate, which he got by the French King's help, upon his promising to prepare things in *Ireland* for his Interest: and that about 10 or 11 Years ago, in the first Year of his Primacy, when the Prisoner came to the Friery at *Armagh*, (he being there) one *Quine* told him, That they thought *Duffy* would have been Primate; said he, 'tis better as it is, for *Duffy* hath not the wit to do those things that I have undertaken to do.—That he had

heard the Prisoner own himself to be made Primate by the Pope; and that he writ himself *Oliverus Armacanus Primas & Metropolitanus totius Hibernie*; and had made Warrants *sub pena suspensionis*, for his Priests to pay Money for to supply the French Army; and to let him know how many there were in all their Parishes from sixteen to sixty. And that he had seen him going from Port to Port; and that he pitch'd on *Carlingford* as most convenient for the French to land at.

Henry O-Neal deposed, That in *August*, 1678, *Bishop Tyril* came with 40 odd Horse-Men to *Vicar-General Brady's* House, where he gave them all the Oath of Secrecy to forward the Plot against the Protestants, whom he said, they would make an end of, from end to end, in *Ireland* in one hour; and that he should have an Order for it from the Lord *Oliver Plunket*; and that he and *Plunket* had sent Money into *France* to get Men, and to bring them into *Ireland*.

Neal O-Neal deposed the same, he also being at that time at *Vicar Brady's* House, being *August* 21. 1678.

Owen Murfey, only swore, That *Lieutenant Baker* told him, That *Mr. Edmond Murfey* did discover the Plot to him, that there was a Design to bring in the *French*; but of his own Knowledge he could say nothing.

Hugh Duffey deposed, That he had seen several of the Prisoner's Orders to raise Money, and had collected some for him (being Curate of *Cogham* and a Fryer) and had, by his Order, returned him also a list of the Age of every Person in his

his Parish, from 16 to 60; and that he accompanied him, when he view'd the Port of *Carlingford*, which he thought most convenient for landing the French; and had seen his Letter in *France* to Cardinal *Bovillon*, that he should prevail with that King not to invade *Spain*, but rather wage War with the King of *England*, who had been an Apostate, and help their poor Country that was daily tormented with Heretical Jurisdiction. That he was present at a great Consult near *Clouds*, where the Prisoner was Chief; and gave special Order for a List to be got of all the Officers in the late Rebellion, and that lost their Estates, because they would be more forward in this Design. That he himself was forward herein, till he had been in *France* in 1677, and there seeing the slavery of the French People, he thought it were better the Devil should reign over them, than the *French-Man*.

Edmond Murfey hesitated much in giving his Evidence, tho he had given it in the fullest of any to the Grand Jury, but afterwards he ran away, and was found at the *Spanish* Ambassadors; though he owned that the Prisoner was to get 60 or 70000 *l.* for the establishing Popery. But because he fenced in his Evidence, the King's Counsel desired he might be committed, which was done accordingly.

John Mac-Legh, a Parish Priest in the County of *Monagham* in *Ireland*, deposed, That the Prisoner had received several Sums of Money there, and he had raised and paid him some,
for

for Arms and Ammunition for the Papists : That he was at Vicar *Bradey's* House when Bishop *Tyrrill* came thither. And that in *France* he had seen the Conditions upon which the Prisoner was made Primate, which was to raise Men to join with the French, to destroy the Protestant Religion.

John Moyer, a Regular Priest, and Begging Frier deposed, That in 1672, he met with a Letter of the Prisoners in *Caprennica*, directed to the Secretary of the Colledg, *De Propaganda Fide*, which he opened and copied, (producing the Copy) wherein was said, That 'twas more proper for the Catholick Princes to agree together to extirpate Heresy, than to vary among themselves; that now was the time: for there were 60000 Men ready to rise upon such an Invasion. That in 1674, when he came into *Ireland*, he told the Prisoner of this Letter, and that he had seen it, who thereupon pray'd him to be secret; for what he did, was not for his own Good, but for the publick Good of the Catholicks; who proffered him high Promotions, if he would further the Design. That he was at a Consult afterwards, where the Primate, Bishop *Tyrril*, and others were, where they concluded to send Capt. *Con O-Neale* to *France* and *Barcellona*, with certain Instruments, wherewith the Captain shortly went; and the two Bishops undertook to view *Munster* and *Ulster*, and that this was in 1676.

To all this the Prisoner only protested his Innocency, complaining that his Witnesses,
and

and some Records he had not had time to procure; and that the Jury were Strangers to him, and the Witnesses; and that by being brought out of his Country, his Life was in danger, where these Witnesses would not have been believed against him.

Then Mr. Solicitor General, and Serj. *Jefferies*, having summ'd up the Evidence, and the Lord Chief Justice giving the Charge, the Jury withdrew for a quarter of an Hour, and then brought the Prisoner in *Guilty*.

And on Wednesday, *June 15.* after the Prisoner had pleaded the same things over again, and informed the Court that now his Witnesses were come as far as *Coventry*; being shew'd the insufficiency of such a Plea, after so long time the Court had given him before his Trial, the Lord Chief Justice sentenc'd him to be *Drawn, Hang'd, and Quartered.*

Which accordingly was executed upon him (together with *Fitz-Harris*) at *Tyburn*, on Friday, *July 1.* following.

*The Trial of Sir Miles Stapleton, at the
Assizes at York, on Monday July the
18th, 1681.*

THen and there the Prisoner appearing, having been arraigned, and pleaded *Not Guilty* to an Indictment of High Treason, for conspiring the Death of the King, and Subversion of the Government and Protestant Religion; after several challenged on both sides, the Jury sworn, were,

Sir Barrington Boucher, Kt.	<i>Anth. Frankland, Esq;</i>
Sir John Jennings, Kt.	<i>John Adams, Esq;</i>
Richard Hutton, Esq;	<i>Francis Battery, Esq;</i>
Welbrough Norton, Esq;	<i>Francis Fulgam, Esq;</i>
Tobias Hodgson, Esq;	<i>Humphry Brooke, Esq;</i>
John Beverly, Esq;	<i>Thomas Lee, Esq;</i>

To whom the Indictment being read, and then opened by Sir *Thomas Stringer* (of Counsel for the King in this Cause) the King's Witnesses were,

Mr. *John Smith*, who being sworn, told what he knew of the Plot in general (much like what he related at the Trial of my *Ld. Stafford*, to which the Reader is referred:) As to what he knew of the Plot in *Yorkshire* was, that while he lived with Mr. *Jennison*, Mr. *Thwing* the Priest, who had suffered as a Conspirator, much persuaded him to intreat Mr. *Jennison* to send his Daughters to *Dolebank*, where a Nunnery was

to be erected ; and he knew several that were there. That he told him *Sir Miles Stapleton* was very zealous for promoting Popery, and had contributed largely to it ; and was engaged with several others for making a Founder for *Dolebank*.

Then Mr. *Robert Bolron* deposed his Knowledge of the Plot, just as he had done before at *Thwing's* Trial, charging the Prisoner to have been at that Consult at *Barnborow-hall* in 1677, and thereat promised to give 200 *l.* towards the killing of the King ; It being then resolved to be done, and *Pickering* mentioned to do it ; and it was said, that if the D. of *York* did not please, they would serve him as they would serve his Brother.—That one *Sherborn* told him that *Sir Miles* was to be a Privy-Councillour, and that they would procure the Dukes consent to it.—That he was also at a Consult at *Barnborow*, June the 13th, 1678. and there it was agreed upon taking of *Hull*, the letting in of the *French* there; discoursing that the *Ld. Bellasis* had caused the Block-Houses to be almost ruin'd, that the *French* might more easily come in, and they had all Pardons for their Sins ; and that he had seen a collusive Conveyance of the Prisoner's Estate.

Then Mr. *Lawrence Mowbray* deposed, that *Sir Miles* was at the Consult in 1676 at *Rushton's* Chamber, where *Rushton* gave him the Oath of Secrecy, and he promised to be true to the Design, and would venture his Life and Estate for the promoting of so good a Cause.

Then Mr. *Bayns* was sworn; who only depos'd that he had seen *Sir Miles* at several meetings at *Barnborough-hall*, but knew nothing of what was discoursed thereat.

Then

Then *Sir Miles Stapleton* began his Defence, protesting his Innocency, and having cross examin'd only *Bolron*, he called *Mr. Lowther* to prove he did not accuse him, when he was examin'd by him; Yea, *Mr. Lowther* said, he told him that he knew nothing against *Sir Miles*, but believed he was clear. But afterwards he told him that *Mowbray* could accuse him, and of what; which *Bolron* denied both.

Then *Sir Thomas Tarbrough* testified that *Bolron* told him also, *Aug. 10, 1679.* that he knew nothing of *Sir Miles's* being concern'd in the Plot, but believed him to be a very honest Gentleman; only he knew he had made a collusive Conveyance of his Estate, as most Papists he believed had done, for Security. — *Bolron* denied this, and deposed that he accused *Sir Miles* to the Council, not in his first, but second Information, which was after the 10th of *August*.

The Lady *Tarbrough* then gave in the same Testimony with her Husband.

Mr. Normanton testified that in *June 1679.* *Bolron* told him that *Sir Tho. Gascoyne* would give 1000 *l.* for killing the King, and the Lady *Tempest* would have hang'd him for breaking a Trunk, but now he would be even with her: and that *Sir Miles Stapleton* kept Priests in his House, but he would apprehend them presently, for he might have 20 *l.* apiece for taking of them.

Richard Pears, *Sir Miles's* Man, testified, that three or four days after his Master was taken into Custody, *Bolron* asked him if they did not blame him for accusing his Master? and he saying

ing he did not hear him named ; said he, it was not him, but I must not tell who it is ; and said he would have gone to have seen *Sir Miles*, but I think (said he) he does not know me.

Then one *Stephen Tompson* declared some threatening Words of *Bolrons* against *Sir Thomas Gascoyne*, that he would do him some ill turn ; but it not concerning the Prisoner, the Court would not admit it.

The Lady *Vavasor* said, she believed her Husband was not at *Barnborow* in any part of the Year, because he was infirm at *York* (*Bolron* having sworn that *Sir Walter Vavasor* was one at that Consult) but this was not judg'd a conclusive Evidence.

Then Mr. *Leggat* said that he had heard *Bolron* say, he knew nothing against *Sir Miles Stapleton*.

And Mrs. *Elizabeth Holmes* said, that *Bolron* meeting her in *London*, said he heard she was to be a Witness against him at *York*, but if she would be kind to him, he would be so to her, and speak as favourably as he could ; and he said, if he had known he should have been no better rewarded, he would never have been a Witness ; the Devil should have been a Witness as soon as he.

Then *Edward Cooper* told what he heard *Mowbray* say, (as before in *Thwing's Trial*) but the Court observed that being before his Discovery, and while he was a Papist, and on the High-way, it could not be material.

Then Madam *Sherborn* testified that *Bolron* and *Mowbray* came to her house, under a pretence to search for Priests, and *Bolron* took away several parcels

parcels of Silver with him.—But the Court would not suffer such Evidence ; besides that *Mowbray* deposed it was only Chalice and other Popish Trinkets.

After this the Counsel for the King called one *Dixon*, who swore that he had 40 s. proffer'd him to be a Witness for Sir *Tho. Gascoyne* in *Novemb. 1679.*

Then Mr. *Wilson* deposed that Mr. *Babington*, Solicitor for Sir *Miles*, would have given him 10 l. and *Hickeringil* proffer'd him 10 l. to have been a Witness for Sir *Miles*.

Then *Christopher Langley* deposed also that *Wil. Batley* and *John Ross* proffer'd him two Oxen and ten Sheep to witness for Sir *Miles* those things they should direct him.

Richard Corker deposed, that he was by, and heard that very proffer made to *Langley*.

Then Mr. *Baines* deposed, that Mrs. *Holmes* proffer'd him 60 l. per annum, and Mrs. *Hewit* said she would give him more, if he would say nothing against Sir *Miles*.

After this Mr. Justice *Dolben* summ'd up the Evidence, and Baron *Gregory* proceeded to do the same, and then the Jury withdrew for half an hour, and gave in their Verdict, *Not Guilty*.

*The Trial of George Busby Priest, at the
Assizes at Derby, on Monday July 25,
1681.*

HE then and there appeared, and having been Arraigned, he now refused to plead ; in stead thereof, presenting a Petition to the Court, shewing, that he was committed to the Goal in *March* last, for being a Popish Priest, and that having obtained his *Habeas Corpus* to be removed to *London*, the Under-Sheriff then dying, the *Habeas Corpus* was not executed ; Praying therefore that he may be removed to the *King's-Bench*, that he may have time to make his Defence, he depending upon his *Habeas Corpus*, his most material Evidence to clear him, and to prove his being an Alien, being then in *London*, &c. But the Grand Jury having found the Bill, the Court told him they must proceed, and he was then Indicted, as a *Romish* Priest and Jesuit, upon the Statute of 27 *Eliz.* cap. 2. To which Indictment he excepted, because it was not said therein that he took Orders beyond Sea ; But he was inform'd that his taking Orders any where, from the Authority of the Bishop of *Rome*, was Sufficient. He then pleaded *not Guilty*, and challenged of the Jury, near the Number allowed by the Law. Those Sworn were,

Samuel Ward, Gent.
Thomas Wilson, Gent.
John Steer,
John Ratcliff,
Ed. Wolnesly, Gent.
William Horn, Gent.

George Tricket, Gent.
Jeremiah Ward,
John Roper,
John Creswel, Gent.
Edmund Woodhead, and
Anthony Bowne.

To whom the Indictment being read, Mr. *Bridges*, of Counsel for the King in this Cause, opened the same; and Mr. *Coombes*, another of the King's Counsel, opened the Evidence. And then Mr. *Gilbert*, a Justice of Peace for the County of *Derby* was called, and Sworn, who deposed that he lived within 2 Miles of Mr. *Powtrells* house at *West-Hallam*, where *Busby* was took, and whose Wife was *Busby's* Neece, and had heard for 6 or 7 Years that he was a Priest, and when the Plot broke out, that he was a Person concern'd, as appeared by a Warrant from the Lords of the Council, for his Apprehension, which he received *March 22, 1678.* (which he producing, was read in the Court) and on the Monday following searched Mr. *Powtrells* House for him, but could not find him, tho afterwards he was informed that he was then in the House. In (1679) Mr. *Powtrell* travelling, it was reported *Busby* was gone with him beyond Sea, tho he still remained in that House; and last Christmas he was informed, that he was seen in *Corn-Harvest*, walking in the Garden with one *Anne Smally* a Widow; which caus'd him to search again for him in *March* last, when this *Smally* assured him, he had been out of *England* two Years;

yet he then found in *Busby's* Chamber Popish Vestments, a Surplice, Wafers, an Altar-stone, &c. but could not find him. About a fortnight after he searched again for him, surprizing them at one in the Night, but could have no admittance till they broke open the door; and going into *Busby's* Chamber, he found the fire had been lately extinguished, and the Bed-Clothes laid in confused heaps on the bed, some part of them warm, and some cold; but the feather-bed quite cold, till feeling underneath, he found it warm, and that it had been turned; which assured him, that the Priest was in the House; but the Persons in the house denied it, and only jeered them, for searching for a Person that was beyond Sea; and those that were without tho they heard a trampling, and directed the Searchers within to the place; yet they were from one till after 10 next Morning before they could find him; Which at last they did in a little hole under the Tiling, whence they carried him to *Derby*; and Mr. *Gilbert* having took his Examination, committed him to Goal on *March* 16th, and sent Word to the King and Council of what he had done. The Prisoner then pleaded his being an Alien, born at *Brussels*, his Father removing his Family thither, during the Troubles, but the Act for Naturalization was read to him, and he thereby judg'd a Natural-born Subject.

Then *Joseph Dudley* deposed, that he was a Servant to Mr. *Powtrel*, and had known the Prisoner above six Years, and had heard him say Mass, Preach, Pray, Catechise and Christen;

and seen him in his Robes, and that he used to keep fast the Doors, tho a Protestant ; and that he had owned himself a Jesuit to him, and that Mr. *Evers*, the Lord *Aston's* Priest, was his Tutor. — And that he had heard him tell how his Mother's house was Plundred at *Coddington* in *Oxfordshire*, and how he hid himself in the Curtains being two Years old ; and in the Garden-Hedge, when he was five Years old, for fear of the Soldiers ; and that soon after his Mother went beyond Sea, where she had several Children. — That he endeavour'd to subvert the Witness, who seemingly did comply, and was therefore entrusted.

Then to prove him further a Priest, Mr. *Gilbert*, -produced his Account-Book which he had took ; which testify'd him to have been Procurator for the Jesuits, and to have received Rents of their Lands, from (73) till (77) and to have disbursed great sums of Mony, and to have had dealings with *Gaven*, *Harcourt*, *Turner*, *Ireland*, *Pool*, *Bennet*, *Heaton*, *Thomson*, and others of the Society ; and produced his Popish Garments, and Trinkets ; which one Mr. *Sheppey*, a Minister, that had formerly been a Popish Priest, explained the names and use of to the Court.

Then *Thomas Houis* deposed, that this *Busby* perswaded him to be a Papist, being about to marry a Papist's Daughter, whom otherwise he could not have ; and that he gave him Absolution, and married him ; and that he had heard him say Mass several times in his Robes, and preach thrice ; and had received the Sacrament from him, and had a Child baptized by him ;
naming

naming where, and who were Sureties.

Elizabeth Evans deposed, that she had seen him say Mass in his Priestly Habit; and been Confess'd by him, and receiv'd the Sacrament from him, and was Godmother to a Child baptized by him.

Dorothy Sanders deposed the same; and shew'd how he us'd to elevate the Host; only she never saw him baptize.

Sarah Clark deposed to the same purpose; she being the Person that carried *Hobbs's* child to be baptized by him.—There were three or four more Witnesses ready to have deposed the like; but the Evidence being so full, the Court waved them.

The Prisoner in his own Defence, urged, that the Witnesses swore to what they did not understand; their Service being in Latin; and as for the Vestments they were only kept as Monuments; and that Lay-Men might wear them, as well as Priests; which was attested by *Robert Needham*, whom the Prisoner called.—And Mr. *Charles Umphrevil* testified that he had heard Mr. *Busby's* Mother and Brother say, that he was born at *Brussels*, and that he had an *Affidavit* from the Register at *Coddington* of all their Children born in *England*, and the Prisoners name is not in the Register. Mr. *Ed. Mayo*, affirmed that he had searched the Register there, and could not find the Prisoners name, relating the Disappointment *Busby* had of his *Habeas Corpus*; but the Court judg'd nothing of this material. The Prisoner notwithstanding insisted upon his being an Alien, and that it was

only Family-duties the Evidence heard him read, and had done nothing but what a Lay-Man might do, and that therefore the Indictment had not been proved.

Then Baron *Street* caused the Statute of 27 *Eliz. Cap. 2.* to be read, and summ'd up the Evidence; shewing withal the invalidity of his Defence. After which the Jury withdrew for a short space, and then brought the Prisoner in *Guilty*. And then Baron *Street* having told him, that the King had commanded him to be Reprieved from Execution, pronounced Sentence upon him, to be Drawn, Hang'd and Quartered.

The Trial of Stephen Colledg Carpenter, at the Court-House in the City of Oxford, on Wednesday August 17th, 1681.

	Present,	Lord Norreys.
		Id. Chief Justice North.
		Mr. Justice Jones.
		Mr. Justice Raymond.
		Mr. Justice Levyns.

HIS Indictment was for High-Treason in Conspiring the Death of the King, the Levying of War, and the Subversion of the Government.

Which being read, he desired a Copy of the Indictment, and of the Jury that was to pass upon

upon him, and that he might have Counsel assigned him, to advise him, Whether he had not something in Law pleadable in Bar of this Indictment? Desiring also to know upon what Statute he was Indicted? and that his Papers (which contained Directions for his Defence) might be restor'd him, which were taken from him just before he was brought to Court. Which he much insisting on, the Court demanding an Account from him, where he had those Papers? He told them, that he had them not all, from one Person; they were received from his own hands some of them in the *Tower*; and being brought back to him, they were taken away from him. He then again was urg'd to plead; which (after many and earnestly repeated Intreaties for his Papers) he did, *Not Guilty*.

Then Mr. Attorney General gave the Court an Account concerning his Papers, that when he came to Prison he had none; but that Mr. *Aaron Smith* (the Messenger inform'd him) deliver'd them to him: Wherefore the Papers being perused, and most of them disallowed by the Court, Mr. *Smith* and Mr. *Starkey* were called; the latter did not appear, but the former did; who being demanded if he gave Mr. *Colledge* those Papers? refused to accuse himself; and so the Court took a Recognizance of 100 *l.* of him to attend the Court during the Session. And Mr. *Henry Starkey* was sent for to be took up, the Goaler swearing against him, that he would have bribed him with four Guinies to be favourable to *Colledge*, which he refused: And the Papers (what was not judg'd scandalous to

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the Government of them) were ordered to be delivered to the Sheriff's Son, for Mr. Colledge's perusal, and the use of the King's Attorney, as he thought fit.

Then the Court was adjourn'd till Two in the Afternoon : When being met again, Proclamation was made for Attendance, and for the Under-Sheriff to return his Jury. Whereof *Richard Croke, Thomas Marsh, Edward Aryes, VWilliam Aryes, Richard Aryes, Richard Dutton, John Nash,* and *VWilliam VWebb*, were challenged by the Prisoner. *Thomas Martin* did not appear, and *Gabriel Merry* (being almost 100 Years of Age) was excused. Those therefore which served, were,

Henry Standard.

William Bigg.

Robert Bird.

John Shorter.

William Windlow.

Charles Hobbs.

Roger Browne.

Timothy Doyley.

Ralph VVallis.

John Benson.

John Piercy.

John Lawrence.

To whom the Indictment being read, Mr. North, and Mr. Attorney General, proceeded to open the Charge; the latter being several times interrupted by the Prisoner, not failing to reprove him home for so doing.

Then the first Witness produced against him was, Mr. *Stephen Dugdale*, who deposed, That he having been acquainted with Mr. Colledge about two Years, had oft heard him rail against the King, saying, That he was a Papist, (because he did not prosecute the Papists as he thought,

thought, sufficiently) and that he was as deep in the Plot as any Papist of them all; and that he had a hand in Sir *Edmondbury Godfry's* Death. That there was nothing to be expected from the King, but introducing of Popery and Arbitrary Government: That there was no Trust to be put in him, but it was the People we must trust to: And we must look to arm ourselves, and that he would Arm himself and be here at *Oxford*, having several stout Men (particularly Capt. *Chinton*, Capt. *Browne*, and one *Don Lewis*) that would stand by him, in case there should be a Rising, which he expected, at *Oxford*, if the King and Parliament did not agree. *Colledge* giving Mr. *Dugdale* in *London*, before his coming to *Oxford*, as much Ribbon as came to forty Shillings, with, *No Popery, No Slavery* wrought in it, to distribute among his Friends in the Country, that they might be known by other Persons that would wear the same. And that at *London*, being once in a Coffee-House with Mr. *Colledge*, and with some of the Members of the House of Commons, a little before they met, talking of the Parliament at *Oxford*, and of some Disturbance that was likely to happen there; it was then fully agreed, that it would be the best way, out of every County, where the Parliament had the best Interest in the People, to leave one in every County that might manage the People. And that at *Oxford*, when Mr. *Colledge* perceived that the King would not yield to the House of Commons, he said, Let him begin as soon as he would, he did not care how soon, for their
Party

Party was but an Handful to him and his Party, (meaning the Dissenters) calling them the *True Protestants*, and the Church of *England* only *Protestants in Masquerade*. And that Day the King went out of Town, presently after he went, Mr. *Colledge* said to him, in the Barber's Shop that is just within the *Angel-Inn*, that *Rowley* (meaning the King) was gone, the Rogue was afraid of himself, he was shirk'd away.

Then Mr. *Dugdale* produced some Papers whereof he affirmed that Mr. *Colledge* had owned himself to be Author; as the *Letter* pretended to be intercepted to *Roger Le Strange*; the *Rary-show*, and *Character of a Popish Successor*; which were read and explained in the Court.

And then one *Stevens* (being sworn) deposed, that he found the first draught of the *Rary-show* in Mr. *Colledge's* Bed-chamber, when he came to search his Papers, by Order of Council; and that the Printer that printed the Ballad, had told him since, he had it from him, which likewise *Atterbury* and *Samel* affirmed; but the Paper being look'd for in the Court, could not be found.

Then Mr. *John Smith* was sworn, who deposed that he was intimately acquainted with Mr. *Colledge*, and that going to dine with him at Alderman *Wilcox's*, he being a Stranger, ask'd what the Alderman was, and *Colledge* told him, he was a Man as true as Steel, and a Man that would endeavour to root out Popery; to which he reply'd that that might be done easily, if he could but prevail with the King to pass the Bill against the D. of *York*; he answered No, No,

he

he was mistaken ; for *Rowley* (meaning the King) was as great a Papist as the D. of *York*, and every way as dangerous to the Protestant Interest, as was too apparent by his Arbitrary ruling. And afterwards in the Tavern where they dined, he asking him the second time (before the Alderman came) what kind of Man he was ; he said he was one that lived in his Country-house, and gave freely, to several People to buy Arms and Ammunition, to bring the King to Submission to his People ; adding, that he wondered old *Rowley* did not consider how easily his Father's Head came to the Block, which he doubted not would be the end of *Rowley* at the last. And after dinner, all departing, *Colledge* told him, if he would go with him to his own house, he should see how he was prepared with Arms and Provision. And soon after dining with him, he shewed him his Pistols, his Blunderbuss, his great Sword, his Armour, Back and Breast, and his Head-piece, which was covered (as he remembred) with Chamlet, and was a fine thing ; *Colledge* telling him that these were the things which would destroy the pitiful Guards of *Rowley*, that were kept up contrary to Law and Justice, to set up Arbitrary Power and Popery. And a little before the *Oxford*-Parliament met, he meeting *Colledge* again, and discoursing several things, *Colledge* told him what Preparations the City were making, how they were provided with Powder and Bullets ; and that he would go down to *Oxford* expecting a little sport there, upon the Divisions that were like to be between the King and Parliament ;

and that he would be one that would seize the King, if he should seize any of the Members, as he expected he would. And again, meeting the Prisoner after his return from *Oxford*, he told him that he went thither in expectation of some sport, but old *Rowley* was afraid, like his Grandfather *Jamy*, and so ran away like to beslit himself: And that *Fitz-Gerald* and he had had a quarrel at the Parliament door of the House of Lords at *Oxford*, that *Fitz-Gerald* had call'd him Rogue, and made his Nose Bleed; but before long that he hoped to see a great deal more Blood shed for the Cause. And after this, when there was a Discourse of disarming the City, and that the *Ld. Feversham* was to come to do it, he said, That he was well provided, and that if *Feversham*, or any Man, nay *Rowley* himself, should attempt any such thing, he would be the Death of him, before any Man should seize upon his Arms; desiring him to get Arms for himself too: because he did not know how he might make use of them; accordingly he had an Armour from him upon Trial, which he said cost him 30 or 40 s. but it proving too big, he returned it, and bought him a new one.

Next to him *Bryan Haynes* was sworn, who deposed likewise that he had been acquainted with Mr. *Colledge* ever since *March* last, before the sitting of the Parliament at *Oxford*: For there being a Warrant against him for High Treason, he made his Application to *Colledge*, and desired him to go to a certain Person of Honour in *England*, and ask his advice, Whether he might not supersede the Warrant by putting
in

in Bayl, and carry the *Supersedeas* in his Pocket : Mr. Colledge told him he would go to this Person of Honour, for he would do nothing of his own head, and he bid him come to him the next day ; which accordingly he did, and asked him what was the result, and what advice he had from that Person of Quality ? he bid him be of good cheer, that the Parliament would be, and sit at *Oxford* soon, and that he should not value the King a pin, for that the King was in a worse Condition than either of them ; and he should see that he should be call'd to an Account for all his Actions ; for all the World might see that he did resolve to bring in Arbitrary Power and Popery ; and that unless he would let the Parliament sit at *Oxford*, since he had called them together, and put the People to Charges in chusing them, and them in coming down, he should be seiz'd at *Oxford*, and brought to the Block, as was the Logger-head his Father. That the Parliament should sit at *Guild-hall*, and adjust the Grievances of the Subject, and of the Nation ; and that no King of his Race should ever Reign in *England* after him. And unless the King did expel from his Council the Earl of *Clarendon*, cunning *Lory Hide*, the Earl of *Hallifax*, (that great turn-coat Rogue, that was before so much against the Papists ; a Rascal, whom we should see hang'd, and all the *Tory* Counsellors) *England* should be too hot for him. That for this End there was in the City 1500 Barrels of Powder, and 100000 Men ready at an hour's warning ; and that every thing was ordered in a due Method against the sitting of the Parliament

ment at *Oxford*. And that he should see *England* the most glorious Nation in the World, when they had cut off that beastly Fellow *Rowley*, who came of the Race of Buggerers; for his Grand-father King *James* buggered the old Duke of *Buckingham*. Railing then at Judge *Pemberton*, saying, Let him try *Fitz-Harris* if he dare; I shall see him go to *Tyburn* for it, I hope, a turn-coat Rogue. That he was for the Plot whilst he was *puisne* Judge, but now he was Chief Justice, he was the greatest Rogue in the World; even like one of the Pensioners in the Long Parliament. That the Prisoner would moreover have put this Informant upon charging the King with the firing of *London*, and the Murder of Sir *Edmundsbury Godfrey*; telling him, that such and such Lords should live and die by him, and that he needed not to fear, but that *England* should espouse his Cause. And discouraging then of the Libel of *Fitz-Harris*; The Devil take me, said *Colledge*, every individual Word is as true as God is in Heaven; and that if the Informant did not join with *Fitz-Harris* in his Evidence, and charge the King home, he was the basest Fellow in the World, because he made them Slaves and Beggars, and would make all the World so; and that it was a kind of Charity to charge him home, that we might be rid of such a Tyrant.

He depos'd further, That he also receiv'd a blew Ribbond from Mr. *Colledge*; whom meeting after he came from *Oxford*, he asked, Where now were all his Cracks and Braggs, for that the King had fool'd them? who answered, That they

they had not done with the King yet, though they could do nothing then; for that no Servant, no Man living did know whether he would dissolve the Parliament that Day: That he was that very nick of Time at the *Lobby* of the Lords House; and there was a Man came in with a Gown under his Arm, and every one looked upon him to be a Tailor; and no Body did suspect, no not his own intimate Friends, except it were *Fitz-Gerald*, that he would Dissolve the Parliament that Day. But presently he put on his Robes, and sent away for the House of Commons; and when he had dissolved them, before ever the House could get down, he took Coach and went away, otherwise that the Parliament had been too hard for him; for that there was never a Parliament-Man, but had divers armed Men to wait on him; and that he had his Blunderbuss and his Man to wait upon him.

The next Witness against Mr. *Colledge*, was Mr. *Turberville*, who (being sworn) deposed, That when the Parliament sat in *Oxford*, about the middle of the Week, he dined with Mr. *Colledge*, Capt. *Brown*, and Don *Lewis* Clerk of *Dirty-House*, at the *Chequer-Inn* in *Oxford*. After Dinner Don *Lewis* went out about some Business, and Capt. *Brown* went to sleep; and Mr. *Colledge* and he fell a talking of the Times; and he was observing, he thought the Parliament was not a long-liv'd Parliament: Whereupon Mr. *Colledge* answered, That there was no Good to be expected from the King, for he and all his Family were Papists, and had ever been such. Then said *Turberville*, the King will offer something
or

or other by way of surprize to the Parliament. Said *Colledge*, I would he would begin ; but if he do not, we will begin with him and feize him , for there are several brave Fellows about this Town that will secure him, till we have those Terms that we expect from him ; adding, That he had got a Case of Pistols, and a very good Sword, and a Velvet Cap: Giving *Turbervile* a piece of blew Ribbond to put in his Hat, to be a distinction if there should be any disturbance.

Then Mr. *Masters* was sworn, who deposed, That he and *Colledge* had been long acquainted : And that a little before the Parliament at *Oxford*, about *Christmass* after the Parliament at *Westminster*, at Mr. *Charlton's* Shop, the Wollen-Draper in *Paul's* Church-Yard, discoursing with him about the Government, he was justifying of the late Long-Parliament's Actions, in Forty : He said, That that Parliament was as good a Parliament as ever was chosen in the Nation ; and that they did nothing but what they had just cause for ; and that the Parliament that sat last at *Westminster* was of their Opinion, and so he should have seen it. And that another time, he calling him, in a jocosse way, *Colonel* ; *Colledge* bid him mock not, for he might be one in a little time.

Then Sir *William Jennings* being sworn, deposed, That *Colledge* gave him one time a Picture ; and another time he saw him bring into a Coffee-House a parcel of blew Ribbond, with, *No Popery*, *No Slavery* wrought in it ; and sold a Yard of it there to a Parliament-Man (as he took

took him to be) for 2 s. who tied it upon his Sword. And that on that very Day the Parliament was Dissolved at *Oxford*, he came to him, standing in the School-House-yard, telling him, Mr. *Fitz-Gerald* had spit in his Face, and that he spit in his Face again, and that so they went to Lógerheads together; and that upon Sir *William's* telling him his Nose bled, he said, I have lost the first blood in the Cause, but it will not be long before more be lost.

The Evidence for the King here ending, Mr. Serj. *Holloway*, briefly explained to the Jury, that the seizing the Person of the King, was, in Law, a compassing and intending his Death, as it was worded in the Indictment; which therefore they ought so to understand.

Then Mr. *Colledge* desired to be resolved these Questions upon the Evidence which he had heard. 1. Whether any *Conspiracy* (for which his Indictment was) had been herein proved? 2. Whether there ought not to be two Witnesses distinct, to swear words at one and the same time? And, 3. Whether any Act of Treason done at *London*, shall be given in Evidence to prove the Treason for which he was now Indicted, and which was given in Evidence before the Grand-Jury, upon the Trial was there grounded?

To the first, the Ld. Ch. Justice reply'd, That a *Conspiracy* was prov'd (if the Witnesses speak Truth) by his publishing Libels and Pictures to make the King odious and contemptible in the Eyes of the People, and his being the Author of some of them, and they being found in his Custody.

study. To the Second it was answered, That the Resolution of the Judges in my Lord *Stafford's* Case, is contrary; There being two Witnesses to an Indictment of Treason, tho there be but one Witness that proves one Fact, which is an Evidence of Treason, and another that proves another, that is an Evidence of the same Treason, tho they be but single Witnesses to several Facts. And to the Third it was answer'd in the Affirmative, it being any Act of Treason that is of the same kind.

Then Mr. *Colledge* being call'd upon to call his Witnesses, he express'd himself in a long Speech, protesting his own Innocency, not doubting to prove this one of the Hellishest Conspiracies that ever was upon the face of the Earth, and these the most notorious wicked Men; an absolute Design to destroy all the Protestants of *England* who have had the Courage to oppose the Popish Plot; in which no Man of his condition had done more than he had done. Declaring, that he was bred a Protestant, and continued so hitherto, and by the Grace of God would die so. That he had been concern'd with Persons of Honour, and could not be reasonably deem'd such a Fool or Madman as to talk of such things to Papists, Priests and Irish-Men, who had broke their Faith with their own Party, and upon whom he could lay no such Oaths and Obligations. That his acquaintance with *Haynes* began upon a Discovery he made to him, how *Fitz-Gerald* had employed him to fetch over *Macnamarra* to swear against the Earl of *Shaftsbury* High-Treason, as he had done, viz. That my Lord should

should tell *Fitz-Gerald* that he had a Design to bring this Kingdom to a Common-Wealth, and to root out the Family of the *Stuarts*; which he swore was true, and a great deal more, which he knew, and would discover, about seizing and destroying the Parliament at *Oxford*; about an Army in the North that was to be raised about the time of the sitting of the Parliament at *Oxford*; Of a French Army that was to land in *Ireland* at the same time, that the D. of *York* was to be at the head of them; and the intention was, to destroy all the Protestants. Upon this it was that he resolved to come along with the Parliament, and if there was any such Design, to live and die with them. That he was employed by several Lords and Parliament-Men, when the Parliament sat last at *Westminster*, to search under the Parliament House, whence he got the Name of the *Protestant Joyner*. And that this *Haynes* did swear in his Affidavit before Sir *George Treby* the Recorder of *London*, That there was a Design to destroy the Parliament at *Oxford*; and there was not only his Oath for it, but it was the general belief, that some Evil was intended them: But as for the seizing of the King, that he never heard one word of it before he came hither; that he knew not of one Man upon the Face of the Earth that was to stand by him; and how impossible it was for him alone to attempt it, all Men might judge: That he hoped to prove these Witnesses suborned; complaining of his close Imprisonment.

Then the First Witness that appear'd for the Prisoner, was *William Shewin*, who declared, That he was in *Turbervil's* company on Thursday Night last, at the Golden Posts at *Charing-Cross*, and there he heard him say, That if he were at *Oxford*, he should hear strange things against *Colledge*, and he would lay ten to one that Mr. *Bethel* and Mr. *Wilmore* should be hang'd at *Christmas*, and he would lead him by the Gold Chain along *Fleet street*, and down with his Breeches in the middle of *Amsterdam Coffee-House*, with a Band about his Neck, and a Cloak. And that one told him, there was one that did design to be return'd upon this Jury, that was resolv'd to hang *Colledge* right or wrong. Which the High Sheriff acknowledg'd also, and that he had therefore left him out, for which the Court gave him his due Commendations.

Then *Henry Hickman* (who had been called before) a Cabinet-maker at *Holborn-Bridge*, appeared, who declared, That he knew *Haynes* very well, he oft coming to his House to a Widow who lodged there, a Papist: and that therefore he took him for a Priest. And that discoursing with his Tenant concerning him, she told him that he was a dangerous Fellow, though a Papist, and that he cared not much what he swore against any one. And that he over-heard him discoursing with his Tenant in her Chamber, and saying, *God dam-me, I care not what I swear, nor who I swear against; for 'tis my trade to get money by swearing.*

Then

Then *Elizabeth Oliver* was called, who only produced a Letter which she affirmed *Haynes* to have writ in her Father's Name, and that he was an ill Man; which being judg'd by the Court nothing to the purpose, she was dismiss'd. And,

Mrs. *Hall* was next call'd, who declared, That *Haynes* lodged at her House, and that he told her (enquiring of him about *Fitz-Harris's* Trial) that Madam *Portsmouth* begg'd of *Fitz-Harris* upon her Knees, that he would try to get Mr. *Everard* and some others over to make a Presbyterian Plot of it. Another time, that she heard him speak of a Message he had had from the King to come in, and he should have his Pardon. And that he read once to her an Advertisement, in answer to something *Thompson* had written against him in his Intelligence, which he said he had writ, and was then going to get it put into one of the Intelligences, it being to this purpose; "That whereas one "*Nathaniel Thompson* had falsly and maliciously "accused one *Bryan Haynes* for speaking Treasonable Words; he, the said *Bryan Haynes* "doth declare, that he challenges any Man to "charge him with it; but he owned he had an "hand, or was employed to put the Plot upon "the Dissenting-Protestants.

Then *Mary Richards*, Mrs *Hall's* Maid, was called, who owned the same things affirmed by her Mistress.

Next, Mrs *Wingfield*, whose Daughter *Haynes* married, was call'd, who would say nothing of *Haynes* but what was for his Credit.

Then Mr. *John Whaley* was call'd, who declared, That about 6 Years Ago, when *Haynes* was a Prisoner in the *King's-Bench*, he came down to drink in the Cellar, which he had taken of the Marshal, and stole a Tankard, for which the Marshal removed him from the Master's Side, and put him into the Common Side; which was all he knew of him.

Mr. *Colledge* called next for Mr. *John Lun*, who declared, how that about three or four days after the Bill was brought *Ignoramus* by the Grand Jury upon Mr. *Colledge*, he was drinking with *Haynes*, who fell very foul against the Grand Jury, because they had not found that Bill; and he said, my Lord *Shaftsbury* was a little Toad, but that he would do his Business very suddenly. Then he railed upon the Parliament, and said, they were a Company of Rogues, they would give the King no Money, but that he would help him to Money enough out of the Phanaticks Estates. And said, that they would damn their Souls to the Devil before the Catholick Cause should sink. And that on Munday last, meeting with *Haynes* again at *Uxbridge* at the *Crown*, in discourse he heard him say, that Sheriff *Bethel's* Estate should be the King's e're long.—To invalidate this Testimony, *Haynes* deny'd that ever he saw *Lun* before he saw him at *Uxbridge*; which was sworn also by Mr. *White*, the King's Messenger, who was by, and whose Prisoner Mr. *Lun* had been two Years; affirming, that *Lun* ask'd him who *Haynes* was, and that he heard no such words spoken: after which Serj. *Jefferies* bespatter'd him with some of his Reflections.

Next

Next Mr. *Jeremiah Broadgate* was call'd, who said, That drinking with Mr. *Turberville*, he told him how the King's Evidence were villified, and looked upon as poor inconsiderable Fellows, and that he had had very great Offers from the Court if he would disown the Popish Plot, and go upon the contrary Side.—Which Evidence also was rejected as nothing to the purpose.

Then Mr. *John Zeal* was called, who because he could say nothing but what he had heard Mr. *Ivy* tell him, was set aside ; And

Mr. *Ivy* was called, who confessing, that he had given Evidence against the Prisoner, the Prisoner concluded he could be no good one for him. Therefore

Mr. *William Lewes* was called, who declared he knew nothing of any of the Evidence as to the Prisoner ; that he could only say something of Mr. *Ivy*, as to a Presbyterian Plot, and my Lord *Shaftsbury*. And therefore,

Dr. *Oates* was next called, who produced a Petition to the Common-Council, subscribed by *Edward Turberville*, *John Macnamarra*, &c. wherein they set out how they had been tempted to unsay what they had said against the Papists. And declared, he charging *Turberville* as if he was to be a Witness at the *Old Baily* against *Colledge*, Mr. *Turberville* said, He would break any ones head that should say so against him ; for he neither was a Witness, nor could give any Evidence against him. Of which telling him, (after he had been at *Oxford*) he confessed he had been sworn against *Colledge* before the Grand Jury : For, said he, the Protestant-

Citizens have deserted us ; and, *God damn him*, he would not starve.—This *Turberville* then flatly denied upon his Oath, and the Doctor affirmed upon the Word of a Priest.

As for Mr. *Smith*, the Doctor affirmed, That upon some provoking words between him and Mr. *Colledge*, at *Richard's Coffee-House*, he heard him swear, *God Damn him he would have Colledge's Blood*. For which Dr. *Oates* reproving him, as unbecoming words for a Minister of the Gospel, his reply was, *God damn the Gospel*.—This *Smith* also denied.

As for Mr. *Dugdale*, the Doctor said that he had declared to him, (upon the report of his being an Evidence against my Lord *Shaftsbury*, and several Protestants) that he knew nothing against any Protestant in *England*. Afterwards the Doctor telling him, he fear'd he had gone against his Conscience, he was sure against what he had declared to him : Said he, It was all long of Col. *Warcup*, for I could get no Money else ; and said, that the Colonel did promise he should have a place at the Custom-house. This *Dugdale* deny'd.—So the Court took notice to the Jury of these three Mens Oaths against the Doctor's bare Word : Which Mr. *Colledge* complain'd of as not fair dealing. And that if he could witness for himself, he could discover more than this that *Dugdale* had said to him alone ; how that he was forced to keep Company with *Warcup*, or he must starve ; and to stay for his Money from the Attorney General, because there was new Work to be done, such as his Conscience would not serve him to do ; that there

was

was more Roguery, that they would never have done plotting and counter-plotting ; but that they would make a thousand Plots if they could to destroy the real One : But this he could not prove, because it was to him alone he said it.

The Prisoner call'd then Mr. *Alexander Blake*, who said, that Mr. *Smith* told him one Morning, That one *Haynes* was under Examination, and had discovered very material things against some great Persons ; which, some time after he told was a Sham-Plot, a Meal-tub Plot.

Then Mr. *Samuel Smith* was call'd, who own'd his acquaintance with *Smith*, and that he had heard him say he believed a Popish Plot, but not any Protestant Plot ; and that, though he denied not but that he had sworn against Mr. *Colledge*, he did not believe what *Colledge* had said, for he did not believe it himself.

Then Mr. *Thomas Gardner* being call'd, testified the same ; *Smith* repeating it in his Company with Mr. *Samuel Smith* at the *Rummer* in *Queen's-street* : And withal, that two or three of the Jury-men that acquitted Mr. *Colledge*, were Rascals and Villains : And, says he, they talk as if I intended to sham the Popish Plot, and make a Protestant Plot ; which, said he, I vow to God, and I will justify it before God and all the World, that I know of no Protestant Plot, nor is there any Protestant concerned in a Plot to my knowledg but this *Colledge*, and upon his Trial I believe he will be made appear

appear to be more a Papist than a Protestant.

Then the Prisoner call'd for Dr. *Oates* again, to give an Account to the Court what treasonable Words he heard spoke at Alderman *Wilcox's* Treat at the Crown-Tavern without *Temple-Bar*: Who appearing again, did affirm, That the Discourse between the Coffee-House and the Tavern, was between Mr. *Colledge* and him, and not at all with *Smith*, who either went before, or followed them; and that when he heard *Smith* swear at the *Old-Baily*, that it was with him, he did really in his Conscience look upon him as forsworn in that Particular. That at the Tavern the Discourse was between him and one Mr. *Savage*, who had been formerly a Romish Priest, concerning the Existence of God, and Immortality of the Soul. That *Colledge* and *Smith* had no Discourse at all together in his hearing, and that immediatly after Dinner *Smith* went his way.

Then Mr. *Thomas Smith* a Lawyer was call'd, who said, That he was at Dinner, but heard no treasonable Words spoke, most of the Discourse being between Dr. *Oates* and Mr. *Savage*; and that if there had been any such words spoke, he must needs have heard them, the Room being small; and for that Reason, that they could not divide themselves into Cabals, (as *Smith* had deposed) but that *Colledge* was asleep most of the time. And as to Arms, he knew that Mr. *Colledge* used to ride with Pistols, having borrowed his Horse, and had them; and that he saw a Silk Armour, which *Colledge* told him he did

did provide against the Papists, for, he said, he did expect we should have a Brush with them; however, that this would do no harm.

Then Mr. *Samuel Oates*, Dr. *Oates's* Brother, was called, who testified, That he was also at this Dinner, and that Mr. *Colledge* walk'd with him, and his Brother from the Coffee-house to the Tavern; and that *Smith* followed them. That he saw neither Cabals, nor did he remember that *Colledge* slept, or that Dr. *Oates* and Mr. *Savage* discours'd so together; nor heard he any treasonable words spoke, but only common Discourse.

Then Mr. *Bolton* being called, appeared, and declared, That on July 25. last, as he, Mr. *Mowbray*, and *Smith* were travelling from *York* toward *London*, *Smith* asked him, If he did not remember that Sir *John Brooks* told him, at *Ferry-Bridge*, when they were coming before to *London*, that there would be cutting of Throats at *Oxford*, and that the Parliament did go provided, some with eight, some with six, some with four Men, and they were to meet at *Grantham* and go together? To which he replied, that he remembred Sir *John Brooks* said, They went with Horse and Arms to secure them from Highway Men; and that the Discourse was, there would be cutting of Throats at *Oxford*, which made them go with Arms to defend themselves. Mr. *Smith* told him he had given his Majesty an Account of it, which occasioned the Dissolving of the Parliament. And that he had given a further Account, that there was to be a Consult at *Grantham*, wherein it was resolved, That it

was

was better to seize the King, than to let him go on. That *Smith* would have perswaded him to have given in the same Evidence; and said, That if he did manage it rightly against my Lord *Shaftsbury* and *Colledge*, he would make him for ever: Further telling him, that he must say so and so; for if they did not agree, it would signify nothing. And that he discovered this to my Lord-Mayor soon after he came to Town.

Then the Attorney General asked Mr. *Bolron*, if he knew any thing of any Pictures of Mr. *Colledges* making, or had seen the *Rary Show*? Who replied, That he had seen the Character of a Popish Successor, but never the other.

Whereupon one Mr. *Charlett*, a Master of Arts of *Trinity-Colledge*, was sworn, who deposed, That Mr. *Bolron* had shewn him, in a Coffee-House in *Oxford*, the Pictures of the *Tantivies* and *Towzer*, and told him they were made by *Colledge*.

But Mr. *Bolron* only owned, that he had seen the Character of a Popish Successor. And then proceeded to declare concerning *Hains*, that he had been several times in his Company, in *January*, *February*, and *April* last, and had heard him say, he knew nothing of a Popish Plot, nor of a Presbyterian Plot neither; but if he were to be an Evidence, he did not care what he swore, but would swear and say any thing to get Mony; That to day he would be a Papist, to morrow a Presbyterian, he did not care for Religion; he would never die for Religion, he would be of that Religion that had the strongest Party.

Then

Then Mr. *Mowbray* was called, who attested to *Smith's* Discourse on the Road, and that he would have drawn him in to be an Evidence against Sir *John Brooks*, whom he had no acquaintance with, nor came he up with him; on which he applied himself to Mr. *Bolton*. Then Serj. *Jefferies* asked him when they set out from *York*? and he answered the 3d of *August*, which disagreeing with the Time Mr. *Bolton* had spoke to, the Serjeant failed not to make his usual flourishes upon it, though Mr. *Bolton's* Almanack did sufficiently prove it his mistake. However the Court failed not to reprove his rash Assertion.

Then Mrs. *Bolton*, Mr. *Bolton's* Wife was called, who only said, That within three Weeks since *Smith* came up from *York-Affizes*, he sent several times to her House for her Husband and Mr. *Mowbray*, to have them concerned with him in some Business he had in hand; that now and then they have gone to him, but they knew his Business, because they had Discourse with him, as they said, upon the Road, and they would not go.

Then Mr. *Everard* was call'd, who said, He had been to see Mr. *Smith* very lately, and he told him, he knew of no Presbyterian or Protestant Plot; and that when my Lord *Howard* was tried, that is, the Bill brought against him, he said, He wondered how my Lord *Howard* could be Guilty, and that both himself and he were joined as Evidence to that Jury, only to put a gloss upon the Evidence, for, said he, I have nothing material to say.

And

And further, to prove a Design of the Papists to turn a Plot upon the Protestants, Mr. *Everard* declared that Justice *Warcup* would have perswaded him to have sworn against some Lords a Presbyterian Plot, but he denied that he knew any such thing of them. And concerning *Haynes* he said, That he told him that it was Necessity only that drove him to speak any thing against the Protestants: For he had but short Pay; and it was Self-preservation, because he being brought in Guilty when he was taken up, he was obliged to do something to save his Life. And it was a Judgment impending upon the Nation, either upon the King or People, he knew not which: But these Irish Mens swearing against them, was justly fallen upon them, for their Injustice against the Irish in ousting them of their Estates.

Then the Court was acquainted that Mr. *Warcup* was just come in, and desired to vindicate himself. But it was waved, saying, There was no weight in it. Nor was Mr. *Everard* allowed to make any further Discovery of shamming the Plot upon the Protestants.

Then Mr. *Thomas Parkhurst* was called, who could only say, That in *November* last being with Mr. *Dugdale* and Mr. *Symonds*, at Mr. *Colledge's* House, he saw there some few Arms, which he said he had provided for his security against the Papists.

Mr. *Symonds* being called, declared the very same Story: Whence the Prisoner inferred, That his Arms were not prepared for his *Oxford* Expedition, this being before that Parliament was called.

Then

Then one Mr. *Tates*, whom Mr. *Dugdale* had employed to make a Pistol for Mr. *Colledge*, testified, That three Weeks after the *Oxford* Parliament, he heard Mr. *Dugdale* say, in discourse of *Colledge*, that he believed him to be an honest Man, and one that stood up for the Good of the King and the Government.

Then Mr. *Clayton*, at whose House Mr. *Colledge* lodg'd while he was in *Oxford*, testified, that Mr. *Colledge* brought no Arms to his House, but one Sword by his Side, and a pair of Pistols in his Holsters; and that he never saw Mr. *Dugdale* in Mr. *Colledge*'s Company in his House.

Then several from *Watford* in *Hartford-shire*, the Town wherein Mr. *Colledge* was born, and some others, appeared for him, and testified to his civil Behaviour, and that he was a Protestant.

Then Mr. *Colledge* declared to the Court concerning the Papers that had been charged upon him, that they were none of his, nor did he ever own them for his, nor could he ever make Pictures nor did he ever in his Life; and that that very Person whom Mr. *Dugdale* said he owned he got it to be printed by, had denied it before the King and Council.

Then *Elizabeth Hunt* the Prisoner's servant, appeared, who testified, That about 7 or 8 Weeks before the seizure of the Papers, a Porter brought three Bundles of Papers for her Master, in his absence, which lay in a Box in his Counting-house a Week or Fortnight before she told him of them. And as to Mr. *Dugdale*, that she going to him for Mony he owed her Master,
after

after he was in Prison, and he not paying her it as he promised, she said to him, Sir I think 'tis very hard that you should keep my Master's Mony from him, and yet go and swear against his Life too; he said to her, There was a great deal of do about his swearing against her Master, more than needs; but as he hoped for Salvation, he did not believe Mr. Colledge had any more hand in any Conspiracy against his Majesty, than the Child unborn.—Mr. Colledge inform'd the Court, that this Maid moreover told him in the Tower, before he came away, that Mr. Dugdale desired to be remembred to Mr. Smith (Colledge's Counsel) and told her he had nothing against her Master that could touch his Life, or an Hair of his Head; and that he knew nothing of a Plot against the King; and that if he could help it, he had as lieve he had given 100*l.* he had never spoken what he had.—Which she own'd for truth, and Dugdale then denied, evading it by telling the Story another way.

Then Mrs. Godwin being called, appeared, who related concerning the Papers, that three Messengers coming to search for them on the Saturday after her Brother's confinement, and they not finding them, she got her Brother-in-law, George Spur, to carry them away to his House at Busshie, to secure them, till they should know what they did concern.—Then Spur being called, did not appear.

Then the Attorney General called for one John Shirland, who appeared to be a Man that lived by his Shifts, and had been whip'd in
Bridewel,

Bridewel, who swore, that *Mr. Bolron* would have given him 10 *l.* and an Horse, to go down and swear against *Sir Miles Stapleton*: Which *Bolron* denied.

Then *Smith* deposed likewise against *Mr. Bolron*, that he told him, as they were travelling, that he had as much to say against *Colledge* as any Body; and that if he would speak for him, he would evidence against *Sir John Brooks* for a discourse at *Ferry-Bridge*. Which *Mr. Bolron* deny'd likewise. Then no more Witnesses being called, *Mr. Colledge* began to make his Observations upon the Evidence to the Court; Professing his own Innocency as to what had been sworn against him; and upon what had been attested for him, owning his Zeal for his King, Parliaments, Church of *England*, and against Popery. Relating how he came acquainted with *Haynes*, and the discoveries he made to him of the Popish Plot, and of *Sir Edmondbury Godfrey's* Murder (for which the Court interrupted and reprov'd him, as not to the purpose) and then he went on to sum up his own Evidence, complaining of his close Confinement, so that he could not procure that Evidence he otherwise might have done for himself. The Statute of *Decimo tertio* was read to him; and then *Mr. Colledge* very pathetically recommending himself to the Justice of his Jury, concluded his Defence.

Then *Mr. Solicitor General*, largely summ'd up the Evidence, and *Mr. Serjeant Jefferies*, and the Lord Chief Justice did the same.

Then the Court called for two Bottles of Sack, which the Jury divided among themselves at the Bar, for their Refreshment in the presence of the Prisoner. After which a Bailiff was sworn, and the Jury withdrawing to consider of their Verdict, the Court adjourned for half an hour, and when they returned, the Jury brought the Prisoner in *Guilty*. At which there was a great Shout given; whereat the Court being offended, one Person who was observed by the Cryer to be particularly concerned in the Shout, was committed to Goal for that Night, but the next Morning having received a publick Re-proof, was discharged without Fees. Then it being about 3 a Clock in the Morning, the Court adjourned to 10. At which hour the Court being sat, and first Mr. *Avron Smith* having entred into a Recognizance of 500*l.* to appear the first day of the next Term, at the Court of *King's-Bench*; the Lord Chief-Justice, after a short speech directed to the Prisoner, pronounced Sentence upon him, to be *Hang'd, Drawn, and Quartered*; which was accordingly executed upon him, over against the Gate of the Castle at *Oxford*, on Wednesday, *August 31. 1681.* And his Head and Quarters (through his Majesty's Grace) were delivered to his Relations, and by them brought up to *London*, and privately interred.

The Proceedings at the Sessions-House in the Old-Baily, London, on Thursday November 24. 1681. before his Majesty's Commissioners of Oyer and Terminer, upon the Bill of Indictment for High-Treason against Anthony Earl of Shatts-bury.

The Grand Jury.

Sir Samuel Barnardiston.	Thomas Parker.
John Morden.	Leonard Robinson.
Thomas Papillon.	Thomas Shepherd.
John Dubois.	John Flavell.
Charles Herle.	Michael Godfrey.
Edward Rudge.	Joseph Richardson.
Humphrey Edwin.	William Empson.
John Morrice.	Andrew Kendrick.
Edmund Harrison.	John Lane.
Joseph Wright.	John Hall.
John Cox.	

THE Lord Chief Justice *Pemberton* gave the Charge; wherein he explained the Nature of Treason, particularly from the Statute of the 13th Car. 2. and explained the Validity of two Witnesses, and the Jury's present Duty. After which, a Bill of High-Treason was offered against the Earl of *Shaftsbury*; and Sir *Francis Withens* moved, That the Evidence might be heard in Court. Then the Jury desired a Copy of their Oath, which the Court granted, and

then they withdrew. After some little time they returned, and being called over by their Names, The *Foreman* acquainted the Lord Chief Justice, That it was the Opinion of the Jury, and they claim'd, as their Right, that they ought to examine the Witnesses in private. But the Lord Chief Justice deny'd that it was their Right, but was their Advantage; and it was the King's desire it should be publick; in which also the Lord Chief Justice *North* concurr'd; and then therefore the Indictment was read, wherein the Earl of *Shaftsbury* was charged with High-Treason, for conspiring the Death of the King, and subversion of the Government.

The Jury then desired a List of the Names of the King's Evidence: But they were told, that they being indorsed upon the back of the Indictment, which they were to have out with them, it was needless. Then they requested to see the Warrant by which the Earl of *Shaftsbury* was committed; but that, they being told that the Lieutenant of the *Tower* kept for his Indemnity, could not be granted. Then they requested that the Evidence might be put apart and examined one by one; which was granted.

And then *William Blathwayt* Esq; appeared, and delivered in a Paper, deposing, that it was put into his Custody by Mr. *Gwyn*, Clerk of the Council, who seiz'd it among others in my Lord *Shaftsbury's* House, and brought them to the Council-Office, put them into one of the Rooms, lock'd the Door, and deliver'd the Key to him. And being ordered by the Committee of Examinations,

minations, he fetch'd up the Trunks and Papers into the Council-Chamber; and this Paper he took out of a Velvet Bag which was in the great Trunk that was sealed, and then opened on July 6. in the presence of Mr. *Samuel Wilfon*, and Mr. *Starkey*, who were both appointed by the Lord of *Shaftsbury*.

Then Mr. *Gwyn* being called, deposed, That on July 2. by a Warrant from the Secretary, he searched the Lord *Shaftsbury's* House for Papers; where was a great Hair-Trunk, in which were several sorts of them; and a Velvet Bag, into which he put some loose Papers, and sealed up the Trunk; and, being sent another way, he deliver'd it to Mr. *Blathwayt*; That all the Papers that were in the Velvet Bag, he had in my Lord's Closet; and that nothing was in that Bag but what he had there, when he delivered it to Mr. *Blathwayt*.

Then Mr. Secretary *Jenkins* deposed, That that was the Paper that Mr. *Blathwayt* delivered into his Hands in the Council-Chamber, with nine more, which he had kept under Lock and Key ever since, till Monday last, when he took them out; and being numbred, sent them sealed to Mr. *Graham*, who brought them back to him again without any alteration whatsoever.

The Paper then was read, which was to this effect. "That We the Knights, &c. finding,
"to the grief of our Hearts, the Papists Con-
"trivances against the Protestant Religion, the
"Life of the King, and Laws and Liberties of the
"Nation, to set up Arbitrary Power and Slavery.
"And it being notorious that they have received

"Encouragement and Protection from *James D.*
 "of *York*, and from their Expectations of his
 "succeeding to the Crown, &c. And that by
 "his Influences, Mercenary Forces have been
 "levied, Parliaments unreasonably Prorogued
 "and Dissolved, and the Army and Ammunition
 "put into the hands of his Party, and the Re-
 "putation and Treasure of the Kingdom hereby
 "wasted ;—That therefore they endeavoured
 "to Exclude him from the Succession to the
 "Crown ;—and that failing, they have now
 "thought fit to propose to all true Protestants
 "an Union amongst themselves, by solemn and
 "sacred Promise of mutual Defence and As-
 "sistance, in the Preservation of the Protestant
 "Religion, the King's Person and State, and
 "our Laws, Liberties and Properties, in a
 "Declaration in the Form ensuing.

Which was to this effect.

First, The Person swears to maintain the Prote-
 stant Religion against Popery. *Secondly*, The King's
 Person and State ; as also the Power and Privi-
 ledges of Parliaments, Rights and Liberties of
 Subjects, &c. *Thirdly*, That *J. D. of Y.* having
 profess'd himself a Papist, and given Life to the
 Plot, that therefore he would oppose his, or
 any other Papist's coming to the Crown, by all
 lawful Means, and by force of Arms, if need so
 require, &c.

"To this end they mutually obliged one another
 "to pursue unto destruction all that oppose the
 "Ends of this Association, and to defend all
 "that enter into it ; And do engage, that they
 "will obey such Orders as they shall from time

"to

“to time receive from this present Parliament,
 “whilst it shall be sitting, or the major part of
 “the Members of both Houses subscribing this
 “Association, when it shall be Prorogued or
 “Dissolved : and obey such Officers as shall by
 “them be set over them in their several Counties,
 “&c. until the next meeting of Parliament,
 “&c. — And that they would stick to this As-
 “sociation during Life, &c. In witness where-
 “of, &c.

Never a Hand was to this Paper. Which being read, and briefly descanted upon by the Counsel for the King, *John Booth* was then called forth, who deposed, That about the middle of *January* last, he was introduced into the Lord *Shaftsbury's* Acquaintance by Captain *Henry Wilkinson*, (a *Yorkshire* Gentleman, an old Royalist, and an old Acquaintance of his) about some Concern relating to *Carolina*. After which he went frequently to my Lord's House, and between *Christmas* and *March* four or five times ; Where he hath heard him sharply inveigh against the Times, and thought himself undervalued, and feared that Popery would be introduced. And that the *Oxford* Parliament, that was then shortly to meet, would give the King no Money, unless he would satisfy them in what they would insist upon ; which, he said, would be the Bill of the Exclusion, and the abolishing the Statute of the 35th of *Eliz.* and passing a New Bill to free the Dissenters from the Penalties of the Laws, which, if refused, would make a Breach between the King and Parliament ; whose meeting at *Oxford* was designed only to

over-awe them; And therefore that himself, and divers Noble Lords, and Members of the Commons had considered their own Safety; and that he had establish'd a matter of fifty Men, Persons of Quality, that he believed would have Men along with them; and he intrusted Capt. *Wilkinson* with the Command of these Men, who were to come to *Oxford* at such a time; and if there were any Breach or Disturbance, they were to be ready to assist him and those other Persons in his Confederacy, to purge the Guards of all Papists and Tories, and purge from the King those evil Counsellors which were about him; naming, the Earl of *Worcester*, the Lord *Clarendon*, the Lord *Hallifax*, Lord *Fever-sham*, and Mr. *Hide*, now Lord Viscount *Hide*; whom he look'd upon as dangerous Persons; and then to bring the King away to *London*, where those things should be established which they designed for the Preservation of the Protestant Religion, and keeping out of Arbitrary Power and Government. Upon which Capt. *Wilkinson* desired him to be one under his Command, and to provide Horse and Arms, to which he consented, and did so; expecting to be sent for after the Parliament was sat, they insisting upon the things the Lord *Shaftsbury* had predicted; but the unexpected News of their Dissolution prevented it.—Then, being ask'd when he first discovered this, he answered about six Weeks ago; and related the occasion and manner of his doing so.

Next, Mr. *Edward Turberville* deposed, That in *February* last, he waiting upon the Lord
Shaftsbury

Shaftsbury about his getting some Mony, and requesting his Letter to the President of the Council to stand his Friend, my Lord said, There was little good to be had from the King, as long as his Guards were about him; were it not for whom, they would quickly go down to *White-Hall*, and obtain what terms they thought fit.—And that the Rabble were all of that Side, especially the People about *Wapping*, and *Aldersgate-Street*; That the Rich Men of the City would Vote for Elections, but they could not expect they should stand by them in case there should be any Disturbance, for they valued their Riches more than their Cause. And at *Oxford*, that he heard my Lord say again, He wondred the People of *England* should stickle so much about Religion; if he were to choose a Religion, he would have one that should comply with what was apt to carry on their Cause.

Mr. *John Smith* deposed, That he had often, both in publick and private, heard the Lord *Shaftsbury* speak very irreverently and slightly of the King, saying, He was a weak Man, an inconstant Man, of no firm or settled Resolution; easily led by the Nose, as his Father was before him, by a Popish Queen, which was the Ruin of his Father.—And that the King should declare, That the Earl of *Shaftsbury* was not satisfied to be an ill Man himself, but got over the E. of *Essex* too.—And that he was the chief promoter of the Rebellion in *Scotland*; which when it was told him, that he should send back word to the King, That he was glad that the King saw not his own Danger,—But if he were to raise a Rebellion,

bellion, he could raise another-gueſs Rebellion than was that in *Scotland*.—One time particularly, being ſent for to the Lord *Shaftsburies*, expreſſing his jealouſy of the Irish Witneſſes being drawn over to the Court-Party, and retracting what they had ſaid, he order'd him to perſuade them from going nigh that Rogue *Fitz-Gerald*, maintain'd by the King and Court-Party to ſtifle the Plot in *Ireland*. Saying alſo, That when he was in the *Tower*, he told ſome, he ſaw Popery coming in, and that it was hard to prevent it.—And that if the King were not as well ſatiſfied with the coming in of Popery as ever the D. of *York* was, the D. would not be ſo much concern'd about it as he was.—Afterwards having executed my Lord's Order, one Mr. *Bernard Dennis* gave in an Information before Sir *Patience Ward*, Lord-Mayor, againſt *Fitz-Gerald*, that he had tamper'd with him to forſwear all he had ſworn before; the Copy of which Information he brought to the Lord *Shaftsbury*; who when he had read it, was very well pleaſed with it, and ſaid, Mr. *Smith*, don't you ſee the Villany of that Man, and that factious Party, and that the King runs the ſame ſteps as his Father did before him, for that nothing of this Nature could otherwiſe be done. I, ſays he, theſe are the very Steps that his Father followed when he was led by his Popiſh Queen, and the poor Man doth not ſee his Danger.—Another time, before the Parliament went to *Oxford*, in diſcourſe, my Lord was ſaying to him, That there was great Preparations made, and a great many gathered together upon the Road between *London* and *Oxford*,

Oxford, which, he said, was to terrify the Parliament to comply with the King's Desire, which he was sure they never would, for that the King aimed to bring in Popery : But, said he, we have this Advantage of him, if he offer any Violence to us, (for we expect it) that we have the Nation for us, and we may lawfully oppose him, for it has been done in former Times, and he will meet with a very strong Opposition ; for all that come out of the Country, shall be well Hors'd and well Arm'd, and so we shall be all ; and as old as he was, that he would be one that would oppose to his Power, and die before he would ever bring in Popery, or any thing of that Nature.

Then Mr. *Brian Haines* deposed, That he had often heard the Lord *Shaftsbury* vilify the King. And that he and Mr. *Ivey* going to him one day, about the Narrative he made of Sir *Edmondbury Godfrey's* Death, he desired him not to expose his Person to the King's Anger, because he was sure he would never grant a Pardon to any Man that impeached the Earl of *Danby* : Says he, Do not fear, if he does not grant you a Pardon, he makes himself the Author of the Plot ; and, says he, the Earl of *Essex*, the Lord *Maxfield* and I, we do all resolve if you'l put in a Writing, we will go to the King, and beg a Pardon of him for you ; which if he does not grant, we will raise the whole Kingdom against him ; for he must not expect to live peaceably in his Throne if he doth not grant it ; and this is the best Pretence we can have in the World,—we are prepar'd to raise Arms against him.—And after

ter (having heard a Pardon could not be had, being begg'd for by the two Mr. *Godfries*) he praying my Lord for a little Money to help him to go beyond-Sea, because he was sure he could not be safe in *England*. My Lord told him, the King durst as well be hang'd as meddle with him.—And one Day he being in Conference, and giving my Lord an exact Account of Transactions, (having been a Traveller) he asked my Lord, What Model of Government was designed, if they pulled the King down? Says he, Do you think there are no Families in *England* that have as much pretence to the Crown as any of the *Stewarts*? Says he, There is the Duke of *Bucks*, that is descended of the family of the *Plantagenets*, one of the *Edwards* by his Mother; and in her Right he should have the Barony of *Ross*, and has as good a Title to the Crown of *England* as ever any *Stewart* had.

Then *John Macnamarra* being sworn, deposed, That he being with the Lord *Shaftsbury* after his return from the Parliament at *Oxford*, concerning some Provision for the Witnesses; he heard him express himself, That the King was Popishly Affected, and did adhere to Popery, taking the same Methods that his Father before him took, which brought his Father's Head to the Block; and that they would also bring his thither; and that he had told some Persons of Quality that this would fall out five Years before.—And at the same time that he said, the King was a Faithless Man, and no Credit was to be given to him; and that the Dutches of *Mazarine* was of his Cabinet-Council, who was the

the worst of Woman-kind.—And that he deserved to be deposed as much as ever King *Richard* the Second did.

Then *Dennis Macnamarra* deposed, That he also heard the Lord *Shaftsbury* say, in *March* or *April*, in his own House, Mr. *Ivey* being present, That the King was not to be believed, there was no Belief in him, and he ought to be deposed as well as King *Richard* the Second ; and that the Dutches of *Mazarine* was of his Cabinet-Council, and he did nothing but by her Consent.

Then Mr. *Edward Ivey* deposed, That being at my Lord's House, soon after the Parliament was dissolved at *Oxford*, he heard him speak against the King, saying, He was an unjust Man, and unfit to Reign ; and he wondred he did not take Example by his Father before him, and that he was a Papist in his Heart, and intended to introduce Popery. And afterwards being with him with *Hains*, he bid *Hains* to put what he had to say about the Death of Sir *Edmondbury Godfrey* into writing, and he should have a Pardon ; and that if the King did deny it, as he durst not, they would rise upon him and force him.

After him *Bernard Dennis* being sworn, gave some account of his first coming into *England*, and how he began his Acquaintance with the Earl of *Shaftsbury*, and was recommended by him (understanding him to be a Clergy-Man) to Dr. *Burnet*, and afterward to Mr. *Ferguson*, in order to the bringing him over ; and how my Lord proffer'd him a Benefice.—And that one time being with him, my Lord asked him, How many there might be of his Name in his Country ?

try? and told him, that he would have him to advise those of his Name, and Friends, to be in a readiness when-ever occasion shall serve, to stand by and assist the Common-Wealth of *England*, for that they did really intend to have *England* under a Common-Wealth, and would extirpate the King, and all his Family, as near as they could. And said, he admir'd at the Irish Nation to be such Fools; for that it was very certain, that King *James*, Queen *Elizabeth*, King *Charles* the First, and the King that now is does wrong them to very Destruction;—But that a Common-Wealth would take more pity of them than any do now, in this time wherein the King governs.

Here the King's Evidence ceasing, the Jury enquired upon what Statute the Indictment was grounded; and whether any of these Witnesses stood indicted? To which the Court returning a satisfactory Answer, they withdrew, and the Court adjourned till three of the Clock.—When being sat again, the Witnesses were all called one by one, and examined by the Jury concerning what they had severally deposed. Wherein nothing was remarkable, but what they examin'd Mr. Secretary *Jenkins*, Whether he heard not a Debate in the House of Commons about an *Association*?—And that *Booth* acknowledged himself to be in Orders, tho now not Beneficed.—*Turberville*, and *John Macnamarra*, that though they signed the Petition to the Common-Council, (for some Maintenance, and that they were tempted to revoke their Evidence) yet never read it, nor knew what was in it.—And that *Haynes* further said,

said, That he heard the Lord *Shaftsbury* say, at a Pastry-Cook's Shop in *Iron-Monger Lane*, that the King had no more Religion than an Horse ;—That when he came first to *England*, he was inclined to Popery, but since he was degenerated from all the Principles of Christianity, being just like a perfect Beast.

The Witnesses being examined, the Jury withdrew, and took the Statute-Book with them, and returned the Bill *Ignoramus* : Upon which the People fell a Hollowing and Shouting ; which Mr. Attorn. Gen. desired might be recorded.

The Trial of Charles John Count Conningsmark ; Christopher Vratz Captain, John Stern Lieutenant, and Charles George Borosky, alias Boratzi, before the Lord Chief Justice Pemberton ; At the Old-Baily, on Tuesday, February the 28th, 1681.

THE Prisoners then and there appearing, were Arraigned for the barbarous Murder of *Thomas Thynn Esq.* ; And being Foreigners, Mr. *Vandore*, and Sir *Nathaniel Johnson* were sworn Interpreters. They pleaded *Not Guilty* ; and desired their Jury might consist of half Foreigners ; which was granted. And the Count desired his Trial might be put off a day or two, and that he might be tried by himself ; neither of
which

which were granted. Then after some Challenges on both sides, the Jury sworn were,

Sir <i>William Roberts</i> Bar.	<i>Walter Moyle</i> Esq;
<i>Moses Charas</i> Gent.	<i>Christopher Ripkey</i> Gent.
<i>Richard Pagett</i> Esq;	<i>Thomas Henslow</i> Esq;
<i>Charles Beelow</i> Gent.	<i>Daniel Griggion</i> Gent.
<i>George Hocknal</i> Esq;	<i>John Haynes</i> Esq;
<i>Peter Vandenhagen</i> Gent.	<i>John Lebarr</i> Gent.

To whom the Indictment was read, and Mr. *Keen*, and Sir *Francis Withens* opened the same; and then *William Cole* deposed, That on Sunday, Feb. 12. about a quarter after Eight at Night, his Master, *Thomas Thynn* Esq; was coming up *St. James-Street*, from the Countess of *Northumberland's*; and he was walking with a Flambeau in his Hand before the Coach, and coming along, at the lower end of *St. Albans-Street*, he heard the Blunderbuss go off; and turning his Face back, saw a great Smoke, and heard his Master cry out he was murdered; and saw three Horsemen riding away on the right side of the Coach, whom he pursued, and cried out Murder: He ran to the upper end of the *Hay-Market*, till he was quite spent; and then turning back again, his Master was got into the House, whom he understood was wounded. One of the Men was upon a little Bay Horse.

William Ellers deposed, That then and there, he coming with his Master from the Lady *Northumberland's*, there came three Men riding by the right side of the Coach; and as they rid, one of them turned about, and said, *Stop you Dog*;

Dog ; And just as he looked about, the Fire was let into the Coach upon his Master, and the Men ran away as fast as they could ; and that he could not know any of their Faces.

Mr. *Hobbs* the Chirurgion deposed, That he was with Mr. *Thynn*, about nine or ten a Clock that Night he was wounded, and found him shot with four Bullets, which entred into his Body, tore his Guts, and wounded his Liver, and Stomach, and Gall, and broke one of his Ribs, and wounded the great Bone below ; of which Wounds he died, and believed there was never a Wound but was Mortal. He shewed the Court the four Bullets, two of which he thought might be Iron, one he found in the Stomach, one between the Ribs and the Skin, and two were lodged in the Back-bone.

Then Mr. *White* the Coroner deposed, That on *Feb.* 13. he sat upon the Body, and found four Holes on the right Side, behind his short Ribs; as if made with Bullets; and he gave order to open the Body, and saw Mr. *Hobbs* take out the four Bullets.

Boresky being then told what was said, replied, That he fired the Blunderbuss, but did not know how many Bullets there were, because he did not charge it, but he could tell who did : But the Ld. Ch. Justice said, that would not be material, because his Evidence could charge no Body but himself.

Then Mr. *Bridgman*, and Sir *John Reresby* deposed, That *Borosky*, *Vratz*, and *Stern*, were examined by them : and proffer'd to read their Examinations, but the Ld. Ch. Justice would not

suffer it, because their Evidence could charge no Body but themselves; and he would not let the Jury be possess'd by that which is not Evidence. And therefore they were only suffer'd to help their Memories by the Examinations, and to mention only what they had confessed as to themselves. Therefore they said that *Borosky* then confessed, that he came into *England* at the desire of Count *Conningsmark*, [But here the Ld. Ch. Justice interrupted again the Evidence, and bid Mr. *Bridgman* only relate his Confession as to himself; which was] That he fired the Musquetoon by the Captain's Order, who had before bid him to fire as soon as ever he stopped the Coach. Capt. *Vratz* confessed that he came with a Design to fight Mr. *Thynn*, having sent him Challenges by Post from *Holland*, for speaking ill of Count *Conningsmark*, who was his Friend, and of himself, at *Richmond*; and that he could never receive Satisfaction, and therefore he came to force him to fight; and took the other two with him, as his Servants, Mr. *Thynn* being a Gentleman that had always a great many Servants about him to carry him off, in case he should be knock'd on the Head, or be hindred from escaping, resolving to make a Rencontre of it, because Duels he understood were forbid in *England*. Owing that he did stop the Coach, but that the *Polonian* fired by mistake, he not bidding him fire, unless he should be hindred from fighting, or making his escape. That Lieutenant *Stern* confessed, that Captain *Vratz* told him he had a Quarrel with an English Gentleman; and that if he would assist him
in

in it, he would make his Fortune, and gave him Money to buy the Blunderbuss ; and he went out with the Captain and *Polander* on Horse-back, about five or six a Clock on *Sunday* ; and when they were got into the *Pall-mall*, he heard the Captain say to the Coachman, *Stop* ; and turning immediately, being then nine or ten Yards before the Coach, he saw the Shot go off, and they riding away, he followed them. And that before the *Polander* came over, the Captain desired him to get an *Italian* to stab a Man.

Then Mr. *Frederick Hanson* (Governour to Count *Conningmark's* younger Brother in his Travels) deposed, That he saw the Count at the Post-house, when he arrived, which was about a Month since ; his first Lodgings he took in the *Hay-Market*, where he was about a week *incognito*, by the Name of *Carlo Cusk* ; thence removed to another Lodging, though but for a few Days because the Chimney smoked ; and thence he removed into *St. Martin's Lane*, where he saw him, and particularly that Night Mr. *Thynn* was kill'd, where his Physician was with him, and Capt. *Vratz*, who came into *England* with the Count. Then being ask'd about the Message he carried from the Count to the Swedish Resident ; he very difficultly and shufflingly (tho he was shewed his Examination before the Council) acknowledg'd that the Count had discours'd to him about calling Mr. *Thynne* to Account, and what the Laws of *England* would be in case he did ; and desired Monsieur *Lienberg's* Opinion concerning it, and especially in relation to the Lady *Ogle*. That the *Polander* was

suffer it, because their Evidence could charge no Body but themselves ; and he would not let the Jury be possess'd by that which is not Evidence. And therefore they were only suffer'd to help their Memories by the Examinations, and to mention only what they had confessed as to themselves. Therefore they said that *Borosky* then confessed, that he came into *England* at the desire of Count *Conningsmark*, [But here the *Ld. Ch. Justice* interrupted again the Evidence, and bid Mr. *Bridgman* only relate his Confession as to himself ; which was] That he fired the Musquetoone by the Captain's Order, who had before bid him to fire as soon as ever he stopped the Coach. Capt. *Vratz* confessed that he came with a Design to fight Mr. *Thynn*, having sent him Challenges by Post from *Holland*, for speaking ill of Count *Conningsmark*, who was his Friend, and of himself, at *Richmond* ; and that he could never receive Satisfaction, and therefore he came to force him to fight ; and took the other two with him, as his Servants, Mr. *Thynn* being a Gentleman that had always a great many Servants about him to carry him off, in case he should be knock'd on the Head, or be hindred from escaping, resolving to make a Rencontre of it, because Duels he understood were forbid in *England*. Owing that he did stop the Coach, but that the *Polonian* fired by mistake, he not bidding him fire, unless he should be hindred from fighting, or making his escape. That Lieutenant *Stern* confessed, that Captain *Vratz* told him he had a Quarrel with an English Gentleman ; and that if he would assist him

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brought to him on the Friday, and the next Morning he brought him to the Count's Lodgings, and was employed to buy a Coat and Sword for him; which he did. That the next Evening, being *Sunday*, coming from *White-hall*, he call'd of the *Count*, and told him the News of Mr. *Thynne's* Murder, and that the Count asked him, what the People said? he said the King was heartily sorry, and angry at it.

Then *John Wright* deposed, That the *Polander* came into *England* the 10th day of this Month, and he brought him the same day to young Count *Conningmark's* Lodgings, at *Faubert's* Academy, to Mr. *Hanson*, who after half an hours Discourse with the *Polander*, desired him to take him back with him again, and bring him betimes to him again the next morning, because he must dispatch him about his Business. He did accordingly, and the *Polander* carried with him his Sea-bed, a Portmantle, and a Gun with a Wheel-lock, and some other things, and went to an Ale-house hard by the Academy, and the *Polander* stepping out, fetch'd Mr. *Hanson*, who paying him for his trouble, he never saw them afterwards.

Then Dr. *Frederick Harder* deposed, That when the Count came first to Town, he sent for him by Capt. *Vratz*; that he found the Count then indispos'd, and willing therefore to lie *incognito* that he might take Physick, which he administer'd to him. That on the Saturday he brought the *Polander* to the Count's Lodgings to Capt. *Vratz*, and at the same time shew'd the Count a Letter from Capt. *Vratz*,
which

which he said was only that he should come and speak with the Count: That on Sunday night, about 9 a Clock, he was with the Count again, and Mr. *Hanson* was there, and Captain *Vratz* for a little while, but that they knew nothing of the Murder then.

Thomas Howgood deposed, That he sold the Sword on the Saturday to Mr. *Hanson*.

Mr. *Robert French* deposed, That the Count lodged at his House 3 or 4 days in the *Haymarket*, where the Doctor and the Captain came oft to him, but he did not then know who he was.

Ann Prince (Mr. *French's* Maid) deposed, That the Count lodged from Friday to Wednesday at her Masters, and that Capt. *Vratz* used to lodg. there too.

Francis Watts, a Boy of about 15 Years old, deposed, That he was hired to wait upon the Count, and was with him eleven days. That he saw the *Polander* with his Master on the Saturday, and dined there with the Servants, and lodged that Night in the Garret; That on the Sunday Morning Mr. *Hanson* sent a Sword, which was given to the *Polander*. That the Count ask'd him that morning, if it were suffered for any to ride about the Streets on Sundays; That on Sunday morning the *Polander* went away with this Sword, a new Coat and Boots under his Arm, and the Doctor with him (who being called again, said he could not remember whether it was Saturday or Sunday Morning that he fetch'd away the *Pole* from the Count's); That on Monday morning, the Boy told the Count

one of the Murderers was taken ; after which, a Stranger came in, and he never saw his Master afterwards.

Thomas Watts (the Boy's Father) deposed, That on Monday Morning the Count's Man deliver'd to him 2 Portmanteau's to carry to *Charing-Cross*, where they were put into a Coach ; he telling him, they were going for *Windfor*, but that he did not see the Count that morning.

Derick Raynes, a Swede, deposed, That the Count lodged at his House in *Rotherith* from Monday till Thursday, when he went down the River for *Graves-end* ; and borrow'd some Clothes of him, and said, he was afraid of coming into Trouble.

Richard Chappel deposed, That he rowed the Count in a Sculler, on Thursday to *Deptford* ; whither *Raynes* went with him ; and thence the next day to *Greenwich*, and then to *Greenhithe*, and the next day to *Graves-end* ; for which he was to have 5 s. every 24 Hours ; the Count telling him he was a Merchant, and had bought Jewels.

Then *Mr. Kid*, deposed, how he and *Mr. Gibbons*, upon information where the Count was, went on Saturday to *Raynes*, and thence to *Graves-end*, where they got on Sunday Night, and took the Count just as he landed, and his Cap and Perriwig then fell off ; He owned his Name, and as they brought him up the Water, and discoursing about *Mr. Thynne's Murder*, saying, That he had seen the Murderers in *Newgate* : The Count asked him, what Lodgings there were

were in *Newgate*, as if the Captain had a good Lodging; and confessed any thing? That he told him, the Captain confessed some Particulars; but that the *Polander* had confessed, and wept mightily; Whereupon the Count seemed much concern'd, and his Countenance altered, and desired to lie down.

Then Mr. *Gibbons* deposed, That when they had apprehended the Count, they carried him to the Mayor's, and thence to an Inn for 2 or 3 hours; and there the Count asked him his Name; because, he said, he would come and give him Thanks after his Trouble was over; he owned his Name *Gibbons*, and that he belonged to the Duke of *Monmouth*. Said he, the Duke of *Monmouth* hath no Command now, and therefore how could he take him by his Order? He said, he did not come upon his Command, but he had killed a very good Friend of his, and a Country-Man, and if Providence had not ordered it otherwise, he had killed a more particular Friend of mine, and a Master, whom he had served many Years. He said, he did not think they would have done the D. of *Monmouth* any Injury: After which walking up and down, he said, 'Twas a stain upon his Blood, but one good Action in the Wars, or Lodging upon a Counterscrap will wash away all that.—Then he asking what the People said, he told him, the Captain had made a Confession, (though it was a thing he did not then know) the Count said he did not believe the Captain would confess any thing.

To all this, the Count, by his Interpreter,

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Sir

Sir *Nathaniel Johnson*, reply'd, That he came into *England* with a design to have got a Regiment, and serv'd *England* against *France*, hearing of an Alliance to be between *England*, *Holland* and *Sweedland* against *France*. That he lay *incognito*, because he was broke out in Spots on his Arms and Breast, and designed to take Physick, and avoid drinking of Wine, and his Equipage was not come to him till after. That he removed his Lodgings, the first, because it was too cold for him, and the second, because of a smoaking Chimney. That he sent for the *Polander* over to dress his Horses after the *German* way, which he came to buy, and had return'd 1000 Pistols for that end, and had bought one Horse; (which the Count's Brother testified). That had it not been for the stormy Weather, the *Polander* had arrived sooner, he having writ for him 4 Months ago. That he had no Quarrel with Mr. *Thynn*; nor, to the best of his knowledg, ever saw him. That it was strange he should ask a Scullion-boy, whether People might ride on Sundays, when he himself over and over again has rid upon Sundays to *Hide-Park* (which was testified by Major *Oglethorp*, and divers other Gentlemen); That Capt. *Vratz* visited him on Sunday, only because he was sick. That he gave the *Polander* to the Captain, because he should have no use for him himself; bought him Clothes, and a Sword, because he wanted them. That he absconded, because one *Markham*, his Taylor, told him he heard him named, as concern'd in the Murder, and that if the Common People should catch

catch him, they would tear him to pieces, and so his Friends did counsel him to withdraw. That he heard the People say, the Murderers follow'd Mr. *Thynn's* Coach, but would not shoot till the Duke of *Monmouth* was gone out. That he spoke of his Apprehension and Imprisonment, as being a stain to his Blood. And then the Count speaking something of the Repute of his own Family, and Zeal for the Protestant Religion, and Love for the *English*, &c.

Sir *Francis Winnington* summ'd up the Evidence [whereat the People made a great shout, but were rebuked for it by the Court] Mr. *Williams* did also the like; and then the Ld. Ch. Justice gave the Charge; and the *Jury* withdrew, and the Court Adjourned for half an hour, and then sent for the *Jury*, who brought in *Borosky*, *Vratz* and *Stern*, *Guilty*, and the Count *Not Guilty*.

Who being dismiss'd, Mr. *Recorder* sentenc'd the other 3 to be *hang'd*; Who were accordingly Executed in the *Pall-Mall*, on Friday, *Mar.* 10. following, and *Borosky* was afterwards hung up in Chains, a little beyond *Mile-End*, by his Majesty's Command.

The Trial of

Thomas Pilkington, *Esq;* } *Sheriffs.*
 Samuel Shute, *Esq;*

Henry Cornish, *Alderman.* Ford Lord
 Grey of Wark. Sir Thomas Player, *Kt.*
Chamberlain. Slingsby Bethel, *Esquire.*
 Francis Jenks, John Deagle, Richard
 Freeman, Richard Goodenough, Ro-
 bert Key, John Wickham, Samuel Swi-
 nock, and John Jekyll, *sen.*

*Before the Lord Chief Justice Saunders, at
 the Guild-Hall, London; on Tuesday,
 May 8. 1683.*

THen and there the Defendants appeared for
 their Trial, upon an Information against
 them, for the Riot at *Guild-hall*, on *Midsummer-*
day, 1682. being the Day for Election of She-
 riffs for the Year ensuing: To which they had
 pleaded *Not Guilty.* And the Jury appearing,
 the Defendants Counsel challenged the Array,
 because returned by Sir *Dudley North*, whose le-
 gally being Sheriff was now in question. Which
 Challenge was read in *French* and *English*, and
 admitted of a long Debate, but was over-ruled.
 As was also another Challenge offered on behalf
 of the Lord Grey. The Defendants Counsel
 then prayed a Bill of Exceptions; which also
 was over-ruled.

The

The Jury sworn, were,

Sir Benjamin Newland.	Henry Wagstaff.
Sir John Matthews.	Barthol. Ferriman.
Sir Thomas Griffith.	Thomas Blackmore.
Sir Edmund Wiseman.	Samuel Newton.
Sir John Buckworth.	William Watton.
Percival Gilburn.	George Villars.

To whom the Information being read, the same was opened by Mr. *Dolbin*, and Mr. *Attorn. Gen.* Mr. *Sol. Gen.* and Mr. *Serj. Jefferies* opened the Evidence.

And then the Common Serjeant, Mr. *Light-foot*, Mr. *Wells* the Common-Crier, Mr. *Man* the Sword-Bearer, Mr. *King*, Sir *William Hooker*, and Mr. *Bancroft*, all being sworn, deposed their knowledge about the Method of the City Elections; all concurring, That the Lord-Mayor always used to summon, and adjourn, and dissolve the Common-Hall; and that the Sheriffs, as Sheriffs, were no more concern'd in the Case, than any private Man.

Then Mr. *Craddock* deposed, (as to the Persons concern'd in the Riot) That he was then standing where they poll'd, and the Lord-Mayor coming thither also, to protest against their manner of Proceeding. Sheriff *Bethel* bid him oppose or resist him, for that he had nothing to do there. And that this was before the Poll was adjourn'd.

Mr. *Reeves* then depos'd, That he saw Mr. *Shute* and Mr. *Pilkington* encouraging the People
to

to Poll, after the Lord-Mayor was gone ; and that while the Lord-Mayor was there, he saw a great Contest among the People, some saying he had nothing to do there ; another cried, *Stop the Sword, stop the Sword*, whom he laid hold of ; but some Body got him again from him.

Mr. *John Hill* deposed, That he saw then Mr. *Robert Key*, Mr. *Goodenough*, and the Lord Grey among the People, as also Mr. *Cornish*.

Mr. *Richard Fletcher* deposed, That he also was there on that *Midsummer-day*, by Order of Sheriff *Shute*, after the Lord-Mayor was gone, to call all Men that were to poll to come forward, for the Books were to be shut up ; and that he could only testify that Mr. *Pilkington* and Mr. *Shute* were both there.

Then Capt. *Clark* depos'd, That when Proclamation was then made for adjournment of the Court, and *God save the King* was proclaimed, above an hundred hift at it, and cried, *No King's-Man, no Sword-Man* ; one of whom he laid hold on, but the Crowd was great, and he was call'd away to guard the Lord-Mayor, whom he found down upon his Knees, and the People crying, *Press on, press on*, and *God save the Sheriffs*. He guarded the Lord-Mayor home, and came again for awhile, and saw the two Sheriffs concerned in carrying on the Poll for some time.

Major *Kelsey* deposed, That he followed the Lord-Mayor then out of the Court, and some cried, *Stop him, stop him*, and gave a Shout ; and he saw the Lord-Mayor's Hat upon his Back, and he

he was down himself; but the Press was so great he could not tell who was there.

Mr. *Trice Hammond* deposed, That he saw there that Evening the Lord *Grey*, Mr. *Key*, Mr. *Cornish*, Mr. *Goodenough*, and the two Sheriffs; Sheriff *Shute* making Proclamation himself upon the *Hustings*, because one or two had refused it, for the adjournment of the Court; and this was two hours after the Lord-Mayor had adjourn'd the Court.

Then Mr. *Higgins* depos'd, That when *God save the King* was said, he heard the People say, *God save the Protestant Sheriffs*, and cry'd, *Down with the Sword*; and after he had attended the Lord-Mayor home, he returned thither again, and saw there one *Free-man*, whom they call'd the *Protestant Cheese-monger*, calling, *To poll, to poll*. That he saw Mr. Alderman *Cornish* come up to the Sheriffs, and tell them, they were doing right, and say to Sheriff *Shute*, *You shall have all right done to you*. That he saw also Mr. *Swinmock*, and Mr. *Jekyll* the Elder there.

Mr. *William Bell* deposed, to Mr. *Cornish*, Mr. *Bethel*, and Mr. *Pilkington's* being there.

Mr. *Vavasor* swore to Mr. *Cornish* and the two Sheriffs being there; and that had it not been for Mr. *Hammond*, he had been trod under-foot.

Mr. *Denham* deposed, That he saw Sir *Thomas Player*, and Mr. *Jenks* there in the Yard.

Mr. *Farrington* swore, That he saw there the two Sheriffs, Sir *Thomas Player*, Mr. *John Wickham* the Scrivener in *Lothbury*, Mr. *Jenks* the
Linnen-

Linnen-Draper, Alderman *Cornish*, *Babington*, and one *Jennings* an Upholsterer; and that his Toes were trode upon, and a mischief had been done him, had it not been for Mr. *Fletcher* and Mr. *Hill*.

Mr. *Cartwright* deposed, he knew the Names of none there, only that he saw the Lord-Mayor had like to have been thrown down, going out of the Hall, after he had adjourn'd the Court, had it not been for Mr. *Shaw*; and that going to save him, he wrenched his back, and spir Blood for seven days after.

Then Mr. *Shaw* depos'd, That the Lord-Mayor coming down the steps, there was such a crowd, that if he had not catched him in his Arms, he had fallen upon his Forehead, and his Hat was off.

Then Mr. *Kemp* depos'd, that Mr. *Deagle* confessed to him, that he was there about seven at Night.

And Mr. *Rigby* swore, That he saw Master *Deagle* there among the Crowd about that Time.

After this Mr. *Williams* (of Counsel for the Defendants) urged, That none of the Cries or Hissings were fix'd upon the Defendants; nor were they concerned therein, though they were there. And that it was a Question, Whether the Right of Adjourning was in the Lord-Mayor? And if not, that then here could be no Riot.

Sir *Francis Winnington* spoke to the same purpose, for the Defendants.

And

And then Mr. *Thompson* call'd Sir *Robert Clayton*, who deposed, That in his Mayoralty there was a Poll for the Election of Sheriffs, and that he left the management thereof, which lasted five or six days, wholly to the Sheriffs, as belonging to them; and that when it was adjourned, from Saturday to Monday, he supposed it was done by them, he not thinking it did belong to any Body else.

Mr. *Love* then deposed, That two and twenty Years ago he was Sheriff; and upon the Election of new Sheriffs, the Lord-Mayor left the management of the Hall to him, and his Brother Sheriff, bidding them look to their Office, never interposing at all; and if he had, truly he should have bid the Lord-Mayor have looked to his Office: The management of the Hall at Elections, having always been judged, in his Time, the Right of the Sheriffs.

Then Mr. *Holt* urg'd for the Defendants, That this Assembly, upon such a Supposition of the Sheriffs Right, could not be made a Riot, so long as no Extravagances were committed.

And Mr. *Wallop* spoke to the same purpose.

And then Mr. Deputy *Sibley* deposed, That he had been on the Livery every since 1639; and that he never remembred any Lord-Mayor to interpose in Elections till here of late, it being always left to the Sheriffs, as belonging of Right to them.

And Mr. *Winstanley* swore, That the Poll in
Sir

Sir *Robert Clayton's* Time, was managed by the Sheriffs.

Then Mr. *Jackson* deposed only, That the Crowd was so great, he could scarce see one way or other.

But Mr. *Roe* deposed, That he then saw a matter of an hundred with their Hats upon Sticks, crying, *Damn the Whigs*; saying, the Work was done to stop the Poll.—

Whence the Defendants Counsel inferr'd, That if there were any rudeness, those very People that came with the Lord-Mayor were the cause of it.

After this Mr. Attorney General called Sir *Simon Lewis* and Sir *Jonathan Raymond*, who were Sheriffs when Sir *Robert Clayton* was Lord Mayor, and they both deposed, that they took the Lord Mayor's Directions, and that he did Adjourn the Court; and they only appointed, from Day to Day, till the Pole was ended.

Sir *James Smith*, who was Sheriff the Year after Sir *Robert Clayton*, deposed, That he never heard it questioned but that the Lord Mayor had the right of Adjourning.

And then Mr. Common-Serjeant related the whole passage, and deposed, That Sir *Robert Clayton* did Adjourn the Court himself.

After which Mr. *Williams* urged particularly in defence of the Lord *Grey*, that he was there only accidentally, coming to Sir *William Gulston* with whom he was treating about selling the Mannor of *Corsfield* in *Essex*; one Mr. *Ireton* who treated for him, deposing, That there was
such

such a treating on foot; and that he heard of an appointment to meet again.

And Sir *Thomas Armstrong* deposed, That he saw Sir *William* and my Lord together that night about eight a Clock.

After which the Counsel for the Defendants urg'd, That the Case being so probable, their insisting upon it would not make it a Riot; and that the Assembly was not continued in a tumultuous Manner, but with a good Intent; and it could not be a Riot, unless there were an evil Intention to do some mischief; instancing in the Case of Sir *Robert Atkins*.

Then Mr. Attorney General summ'd up the Evidence; asserting that Assembly to be unlawful, after the Adjournment of the Lord-Mayor; and a being present therein, and countenancing it, was enough to make them Guilty of the Riot.

The Lord Chief Justice summ'd up much to the same purpose.

And then the Jury withdrawing for some time, brought in all the Defendants *Guilty* of the Trespass and Riot.

The Trial of Capt. Thomas Walcot at the Old-Baily, London, on a Commission of Oyer and Terminer held there for the City of London and County of Middlesex, on Thursday July the 12th, 1683.

THen and there the Prisoner was Arraign'd, (together with *William Hone, John Rouse,* and *Capt. William Blague*) upon an Indictment, for High-Treason, for conspiring the Death of the King, and raising a Rebellion in this Kingdom; To which he pleaded *Not Guilty*, with the other three. And after some Exceptions the following *Jury* was Sworn.

*Nicholas Charlton,
Christopher Pitts,
Robert Beddingfield,
John Pelling,
William Winbury,
Thomas Seaton,*

*William Rutland,
Thomas Short,
Theophilus Man,
John Genew,
John Short, and
Thomas Nicholas.*

To whom the Indictment being read, *Mr. North* (of Counsel for the King in this Cause) opened the same; and *Mr. Attorney-General, Mr. Serjeant Jefferies,* and *Mr. Solicitor-General* opened the Evidence. And then

Col. Rumsey deposed, That about the latter end of *October*, or beginning of *November*, he was sent by the Lord *Shaftsbury* to *Mr. Shepherd's* House, near *Lombard-street*, to the *D. of Monmouth*, Lord *Russel*, Lord *Grey*, and Sir *Thomas Armstrong*,
to

to know of them what was done about raising Arms at *Taunton*? who told him, that Mr. *Trenchard* had failed them about the Men, and they could proceed no further at that time. Whereupon the Lord *Shaftsbury* said, there was no dependance upon those Gentlemen, and so prepared to be gone for *Holland*. That about a fortnight or three Weeks afterwards, there was a meeting at Mr. *West*'s Chamber, where was Mr. *West*, Mr. *Goodenough*, Mr. *Wade* and another, where the taking off the King and the Duke was proposed as the surest way; and for that end Mr. *Ferguson* was writ for out of *Holland*; who came over, upon that Letter, and Capt. *Walcot* with him, upon *Ash-Wednesday*. And they had several meetings about getting a sufficient number of Men; and Mr. *Goodenough*, and Mr. *Rumbold* brought Notes of many Names; and Capt. *Walcot* was then present, and undertook to be one of the Men that should help to kill the King, at *Rumbold*'s House near *Hodsdon* in *Hertfordshire*, as he should come from *New-Market*, the Saturday before *Easter*; but Capt. *Walcot* refused to have an hand in attacking the Coach, only he would command a Party, that should charge the Guards. For there was to be several Parties; one small Party was to have killed the Postillion, another to kill the Horses, and Mr. *Rumbold* with a certain number to seize the Coach, and Captain *Walcot* the Guards: but the Fire at *New-Market* causing the King to return on the Tuesday before *Easter*, they could not have their Men in a readiness, and so were disappointed. Immediately upon this, it was resolved on in another

ther meeting, whereat the Prisoner was, that Money and Arms should be provided; and Mr. *Ferguson* undertook the raising of Money, and Mr. *West* the buying of Arms therewith; and Mr. *Goodenough* and Mr. *Rumbold* the providing of Men to be in a readiness against the first opportunity that happened, further designing to kill the King as he came from *Windsor* to *London*, or from *Windsor* to *Hampton-Court*, or the *Play-House*; and that Mr. *West* did tell him, he did buy Arms, and received 100*l.* of Mr. *Ferguson* for them. That the Thursday before the Discovery they met at the *Salutation* in *Lombard-street*, where was Captain *Walcot*, Mr. *West*, Mr. *Wade*, the two *Goodenough*'s, Mr. *Nelthrop*, and himself discoursing about the Division of the City into 20 parts, 7 of which Mr. *Goodenough* gave an account of. That on the Saturday following they appointed another meeting at the *George* on *Ludgate-hill*; but the Discovery coming out, there met only four of them: And the Monday after the Discovery they met again at Capt. *Tracy*'s, there being the Prisoner, Mr. *West*, Mr. *Wade*, Mr. *Nelthrop*, the two *Goodenough*'s, and Mr. *Ferguson*, who exclaimed against *Keeling*, and resolved to be gone.

Then Mr. *Keeling* being Sworn, related, how before the King went to *New-Market*, he was drawn in by *Goodenough*, and provided *Burton*, *Thompson*, and *Barber* to join in killing the King, whom *Rumbold* encouraged thereto, by telling them the conveniencies of his House for that purpose, being a lone House, and having a Court-Well; using this as an Argument, *That to kill the*
King

King and the D. of York would be a keeping one of the Commandments, because unless that were done, there would be a great deal of Blood-shed committed; telling them the way how they designed to effect it, as before; and if this way failed, then there should be Men in the Habit of Countrey-men, with a Cart in the Lane, who should run the Cart a-thwart the Lane, and so stop the Coach.

— That at the *Dolphin-Tavern* in *Bartholomew-Lane*, where were *Rumbold, West, Goodenough*, and *Hone* the Joyner; he heard *West* talking to *Rumbold* about the King's returning from *New-Market*, asking him how many *Swan-Quills*, *Goose-Quills*, and *Crow-Quills*, with *Sand* and *Ink* he must have? To which was answered, 6 *Swan-Quills*, 20 *Goose-Quills*, and 20 or 30 *Crows-Quills*: saying that by *Swan-Quills* was meant *Blunderbusses*, by *Goose-Quills* *Muskets*, and by *Crows-Quills* *Pistols*, and by *Sand* and *Ink* *Powder* and *Bullets*. — That he was at the *Salutation-Tavern* in *Lombard-street* with the Prisoner, and others, the Thursday before the Discovery, where some of them call'd him *Gulick* (there being then a Report of one *Gulick* that headed a Rising at *Cologne*) *Mr. West* telling him that *Gulick* in Dutch was *Keeling* in English; and that he hoped to see him at the Head of as good an Army in *Wapping*, as *Gulick* was at *Cologne*; which was all he could say as to the Prisoner. — He gave them a further account, how *Goodenough* gave him 3 Papers of 3 Divisions of the City, one for himself, and the other 2 for whom he could trust; advising him to take 9 or 10 Men to his Assistance, who were to ask several

ral Persons, Supposing that the *Papists* should rise, or be a *French* Invasion, *Are you in a Posture of Defence?* Which was all they were to communicate, and by this means feel them, and see how many Men could be raised; telling him moreover of a Design to kill the King and the Duke at the *Bull-Feast*, and lay it upon the *Papists* as a Branch of the *Popish Plot*: and that one was drawing a Declaration to take away the *Chimney-Money*, that so the common People might fall in with them more readily. Saying, that it was trouble of Mind caused him to make this Discovery, which he did to one *Mr. Peckham*, who brought him to the Lord *Dartmouth*, and thence to *Mr. Secretary Jenkins*: Acknowledging himself to be the Person who arrested the Lord-Mayor; and that *Goodenough* did tell him, that the Design was to secure the Lord-Mayor, and the Sheriffs, and the Tower.

Then *Mr. Zachary Bourne* depos'd, That he came acquainted with the Prisoner by means of *Mr. Ferguson* who lodg'd at his House; That he was at their Meeting at the *Dragon* upon *Snow-hill*, where the Prisoner was; and their Discourse was about a Design of raising and dividing the City into 20 parts, in order to the securing of his Majesty and the Duke of *York*, and setting up the Duke of *Monmouth*. That he was at the Meeting also at the *Salutation* in *Lumbar-d-street*; and that the first meeting he had with them, was about ten days before the Discovery. That *Mr. West* spoke about securing the Lord Keeper, for that he would call him to account for *Colledge's* Death. That he would have spoke
to

to two Nonconformist Ministers concerning this Design, but Mr. *West* was unwilling, and said, the Ministers had destroyed all Designs ever since *Constantine's* Time, and he would have nothing to do with them now. That he met also with them at Capt. *Tracey's* on the Monday after the Discovery, where the Prisoner was, and there they discoursed about killing of *Keeling*; and rather than be hang'd, thought it better to stand to it with Swords in their Hands. That he never heard indeed the Prisoner speak any thing of assassinating the King, but that he had several times heard a discourse of *Lopping*, (by which was meant taking off the King and the Duke) and supposed the Prisoner had been at the hearing of it too, as being the Discourse of several Meetings.

Then Mr. *West* deposed, That one Mr *Wilcocks* brought him and the Prisoner first acquainted; who in *November* last imparted a Secret to him of a Design, of an Insurrection to be made within three Weeks or a Month, wherein the Lord *Shaftsbury* was engaged, and had engaged him; saying, that he had an expectation of being a Colonel of Horse, proffering the Witness a Command under him; which he declined, because he had not a Constitution to bear the Toils of War.—That the Prisoner then told him also of another Design the Lord *Shaftsbury* had upon the King and Duke, as they came from *New-Market* in *October* last; but that he abhorr'd any such ungenerous thing, and would not be concern'd in it, but only in a general Insurrection; asking to have borrow'd a Suit of Silk-Armour

of the Witness, and employ'd him to procure him a stiff Tuck : farther telling him, that the Lord *Shaftsbury* was preparing a Declaration to be published, in case of an Assassination or Insurrection, asking the Witness to undertake to do one too ; because he would have several People draw it, to pick one good one out of all ; shewing him some Collections which he said he had made towards it : Which was a Collection of all the Passages in the three Reigns of King *James*, *Charles I.* and this King ; which he called *Attempts to introduce Arbitrary Government and Popery* ; taxing them with some personal Vices, and that the Government was dissolved, and they were free to settle another Government. Acquainting him that Mr. *Ferguson* had the management and conduct of the Assassination in *October* ; and that he likewise was acquainted with the Insurrection, and was a great Man in it. Meeting therefore with *Ferguson*, in discourse he told him, that there was but two ways for the People to preserve themselves from Bondage ; and one was by a general Insurrection ; the other by killing the King and Duke, which he said was the best way. Then going to a Tavern with him, where was Col. *Rumsey* and one *Row*, they appointed to meet at the Witness's Chamber, as a place of privacy and little observation : Where when they met, Mr. *Ferguson* propos'd several ways of Assassinating the King and the Duke. One was, as the King and Duke had their private visits in St. *James's* ; another was, as they went down the River, by overturning or sinking their Barge ; another was at the

the Play-House, by forty or fifty Men placed in the Pit with hand-Blunderbusses, Pistols and Swords, who when the Musick struck up between the Acts, should fire upon the Box. But because this was thought hazardous, they thought it better to do it as he came back thence, in *Covent-Garden* under *Bedford-Garden* Wall. That Col. *Rumsey* also did say, He wondred that the Lords and great Men that were so fond of the King, did not raise a Purse, and buy some Body an Office, who should rail against the Duke of *Monmouth*, and the *Whiggs*, and by that means get himself an opportunity of access to the King's Person. That Capt. *Walcot* also told him, after the Design in *October* had miscarried, that there was another Design of attacking the King and the Duke at my Lord-Mayor's Feast, in the Hall, or in their return Home, in *Paul's Church-Yard*, or at *Ludgate*: And that Mr. *Ferguson* told him the same thing; but the King not dining there, the thing was wholly disappointed. That after these Discourses, Mr. *Ferguson* retired to *Holland*, being afraid because of a Book that he had printed; and Capt. *Walcot* went with him. That there he staid till they writ for him to come over; and then they had several meetings, and resolved upon the Assassination at *Rye-House*, Mr. *Ferguson*, Mr. *Goodenough*, and Mr. *Rumbold* undertaking to provide Men: And the providing of Money and Arms was also discours'd on, and the manner of doing it propos'd; the Prisoner being to attack the Guards, he refusing any other part therein. *Rumbold* propos'd a way to bring them off, when the thing should
be

be done, over the Meadows, and so by *Hackney-Marsh*; which the Prisoner did not like, but rather that they should retire within the Wall, and there keep till Night, being a place they could defend against any Force for a day's time. That as to the Design upon the King's coming from the Play-house, one Mr. Row told him he had discours'd with one *Gibbons*, that was the Duke of *Monmouth's* Servant about it, and ask'd him, If any of their Family knew of it? and he said, They all knew of it, but would not be seen in it; and said, that he shew'd him the place. That after the disappointment at *Rye-House*, they adjourned to his Chamber to consider what they should do. And a day or two after they met at the *Dolphin* Tavern, where Mr. *Keeling* talking of Blunderbusses and Pistols in downright English; he told him it was a foolish thing to talk so before Drawers, and that was the occasion of calling them by the Names of *Swan-Quills*, *Goose-Quills*, and *Crow-Quills*. At the next Meeting (which was the next Week) at the *George* and *Vulture*, where was the Prisoner, Mr. *Goodenough*, Mr. *Ferguson*, one *Norton*, and one *Ayliff*; They agreed to buy Arms, viz. 10 Blunderbusses, 22 Inches in the Barrel; 30 Carbines, 18 Inches; and 30 Cases of Pistols, 14 Inches; putting him upon the buying of them, because he was serviceable no other way; and could have a Pretence for it, because he had a Plantation in *America*; but Mr. *Ferguson* was to pay the Money, which he did, after he had bought the Arms, with 93 Guinies, which as he supposed came from Mr. *Charlton*.

That

That at the last meeting with Mr. *Ferguson*, he heard him say, That there was a Man employed to see what conveniency there would be for an Assassination between *Windsor* and *Hampton-Court*; but that was never reported, and so laid aside. That had the Assassination gone on, these things were to be done; The Lord-Mayor and Sheriffs were to be kill'd, and as many of the Lieutenancy as they could get: and *Papillon* and *Dubois* be forc'd to take the Office of Sheriffs upon them, or else be used as the rest. And Sir *Thomas Gold*, Sir *John Shorter*, or Alderman *Cornish* (who was thought the fittest Person) be set up for Lord-Mayor. The Principal Ministers of State also were to be kill'd, the Lord *Hallifax*, the Lord *Rocheſter*, and the Lord *Keeper* (whom they said they would hang upon the same post that *Colledge* was hang'd upon for his Murder); Sir *John Moor* was to be kill'd, and hung up in *Guild-Hall*; and the Judges to be flead and stuffed, and hung up in *Westminster-Hall*. And several of the *Pentionary Parliament* were to be hang'd up also. The King's Natural Sons they said were good lusty Fellows, and would serve for Porters or Water-men; and the Lady *Ann* they would marry to some Country Gentleman for a Breed to keep out Foreign Pretences. And that the Prisoner at the Bar was sometimes at these Meetings, when these things were discoursed of, though not so often as the rest. And after the News of the Fire, he said he believed God shew'd his disapprobation of the thing, desiring to have his Name concealed; whereupon *Ferguson* told

told him, he needed not to be ashamed, for that it was a glorious Action, and such an Action as he hoped to see publickly gratified by the Parliament; and question'd not but they should be fam'd for it, and have Statues erected for them, with the Title of *Liberatores Patria*.—

That he had told some Nonconformists, who desired him to forbear; but, says he, they are silly People, that do not know how to distinguish between killing a Prince for difference in Opinion about Religion, and destroying a Tyrant, for preservation of the Rights and Liberties of the People; saying, it was an Action that would make all the Princes of the World tremble, and teach them to use their Subjects kindly. That about *Christmasts* Col. Rumsey acquainted him of an Insurrection design'd to be about *March*, carry'd on, by the D. of *Monmouth*, *Ld. Russel*, *Ld. Grey*, *Ld. Howard*, Col. *Sidney*, Major *Wildman*, and Mr. *Hambden*; to whom they drew up some things to be done for the People, but they were rejected in regard all was to be left to a Parliament.—That he was at the *Salutation*, where Mr. *Nelthrop* called Mr. *Keeling*, *Culing*.—That there was a Treaty with the *Scot's*, but was broke off, as Mr. *Ferguson* told him, because they would not presently declare for a Common-Wealth.—That at the *Young Devil-Tavern*, he met with the Prisoner, and others, where *Holloway* did propose, that since the *Scotish* Business was broken off, they should try what Forces could be rais'd here: and Mr. *Ferguson* did say, that if 3000 Men could be had, he believed the D. of *Monmouth* and

and the Lord *Ruffel* would appear in the head of them. That a Map was brought, and the City divided into 20 parts; and each 20th part into 14ths and 15ths, and one principal Man was to have one 20th Part; and that *Goodenough* reported afterwards that there were 1300 Men out of two of the Hamlets.—That Mr. *Bourn* told him he had spoken to one Parson *Lobb*, who said, he would try what his Congregation would do.—That about a fortnight before the discovery, *Rumbold* told him the jealousy he had of *Keeling*, which if he could be satisfied of, that he delign'd to betray them, he would get him into the Country and kill him; but upon the Saturday before the Discovery, *Rumbold* and one *Gale*, that was to be one of the Assassins, lent *Keeling* 100 l. he being in need, and they unwilling to discourage him.

On the Monday after the Discovery, they met in the Morning at Capt. *Walcot's* Lodging, where it was agreed to go beyond Sea, only the Witness had no mind to go, and a Boat was hired, and 5 l. given in earnest; But understanding the Messengers were abroad, and believing the River was beset, every Man shifted for himself; and the Witness shifted by the means of Mr. *Bourne* who help'd him to a Conveniency for two or three days.—That being thus retired, they got Mr. *Keeling* in the City, and *Rumbold* discours'd him in the presence of several Persons, who denied that he had discovered, wishing a great many Imprecations upon himself. That after some discourse of killing him, they propos'd to him to

go out of Town, which he refused. That the same Night, upon tracing him, they found he had called out his Brother, and was gone to the Secretary's; whereupon it was took for granted that the Discovery was made, and that every Man must shift for himself. That upon that, Mr. *Wade* said, That if the Duke of *Monmouth* would go into the West, they might try a Push for it still. And the Prisoner at the Bar said, he was satisfied God would deliver the Nation, but that he did not approve of the present Instruments.

Thus the sum of what was fastned on the Prisoner was, That he was at several Meetings, where the killing of the King and Duke was consulted of; that he went down to *Rumbold's* House to view the Place, and undertook to fight the Guards.

To this he pleaded, that he never was at *Rumbold's* House, but once, as he travell'd from *York* by *Norwich*, and so to *London*. And that he was not so natural a Fool to think, for him to charge the Guards, when another kills the King, but that he should be as Guilty as he that kills. And that he was ill of the Gout all the while the King was at *New-market*. And for that Assassinating the King, it never entred into his thoughts more or less.

But a Letter was then produc'd under his own hand to Sir *Lionel Jenkins*, Secretary of State, purporting, "His trouble to see himself in his Majesty's Proclamation, and his resolution to lay himself at his Majesty's Feet, and acknowledge his Crime, and discover all he knew re-
lating

“lating to *England, Scotland, and Ireland*, which
 “he supposed might be more than the Original
 “Discoverer was able to acquaint his Majesty
 “with. And farther, That if his Majesty
 “thought fit, he would follow those Lords and
 “Gentlemen who were fled, and as soon as he
 “could, would inform his Majesty what Mea-
 “sures they intended to take next. Otherwise
 “he was resolved to give his Majesty no fur-
 “ther trouble, but to lie at his Mercy, let him
 “do with him what he pleased.

This letter Mr. *Blathwait* swore, Capt. *Walcot* owned for his, when he was examin'd before the King.—And Capt. *Richardson* swore likewise, that yesterday, his Clerk discover'd a piece of Paper in the Prisoner's Hand, which he designed to have given his Son; which was a Letter to Capt. *Tracy*, his Landlord, to desire him to speak to Col. *Rumsey*, and Mrs. *Vest* to speak to her Husband to be tender of him, having ground enough to serve the King upon other Men; and the last words of the Note, were, *If you cannot be Private, leave the Issue to God.*

To the whole the Prisoner pleaded, That the Witnesses had made long Speeches, though very little of them relating to him, though too much. That he was sent for out of *Ireland* (where his Habitation was, being a Man of a competent Estate) by the Lord *Shaftsbury*, to go Governor to *Carolina*; but it being some while before he came, his Lordship gave his Commission to another. That being in *England*, the Lord *Shaftsbury* invited him to go with him into *Holland*,
 which

which he did; and upon his Lordship's Death he returned to *London*. That he confess'd it was his folly to frequent this Company; but it was plain that the Witnesses had sufficiently dipp'd themselves, and therefore to save their own Lives, they had combin'd to take away his. That he did hear a deal of what they had now deposed, but never had any hand in it, either directly or indirectly, and therefore supposed his Crime could be only *Misprision of Treason*.

The Jury then desiring he might be asked, What he had to say to the Letter? he replied, That what he had promised, he undertook upon his intimacy with Mr. *Ferguson*, by whose means he believed he should have an Interest with the rest. That he did, according to his Promise, give an Account of what he had heard; but the King was not pleas'd with him, because he did not descend to Particulars; which he could not do, he having never been at any of their Meetings or Debates, nor knew any thing but what he had by a private Hand.

He then produced one Witness, who testified his being ill of the Gout for about three Months, but could not certainly tell the Time.

After this Mr. Sol. Gen. having summ'd up the Evidence, the Ld. Ch. Justice gave his Charge to the Jury; who after about half a quarter of an hours consideration, returned, and brought the Prisoner in *Guilty*.

The Trial of William Hone, at the Old-Baily, on Friday, July 13. 1683.

THen and there the Prisoner appearing, having been arraign'd the day before, for Conspiring the Death of the King, and the Subversion of the Government, and for providing himself with Arms to that purpose: And after some frivolous Evasions, pleaded *Not Guilty*, (though he confess'd himself then Guilty of the Conspiracy, but not of providing Arms): He desired now to retract his Plea, and confessed the Indictment; though still denying that he had provided Arms; but owning that his Deposition before Sir *William Turner* was true, and that he was asked by Mr. *Richard Goodenough* to go along with him; but was not told whither, though he understood it was to kill the King and the D. of York.

But this not being taken for a full Confession, Serjeant *Jefferies* desired he might be tried. So the Jury were sworn, without any Challenges, viz.

*Nicholas Charlton.
Christopher Pitts.
Robert Beddingfield.
John Pelling.
William Winbury.
Thomas Seaton.*

*William Rutland.
Thomas Short.
Theophilus Man.
John Fenew.
John Short.
Thomas Nicholas.*

To whom the Indictment being read, Mr. Jones and Mr. Attorney General opened the same.

And then Mr. Keeling deposed, That he saw the Prisoner at the *Dolphin-Tavern*, where the Arms were agreed upon, and the King's coming from *New-Market* discoursed on; and about the *Swans-Quills*, *Goose-Quills*, *Crows-Quills*, *Sand*, and *Ink*, &c. After which he took acquaintance with him, and after some time told him, he was one of them that was to go down to *Rye* to Assassinate the King. And since, at a Coffee-House in *Swithen's Alley*, he told him, *It would never be well, till the Black-Bird and the Gold-Finch were knocked on the Head*; meaning the King and the Duke of York.

Mr. West then deposed, That he was at the Meeting before-mentioned; but that he was sure the Prisoner did not come in till the Discourse was over. That he told him then that Mr. Goodenough had spoke to him about a little Job for the Duke. That he had seen him often in the Company of *Manning*, who was designed to be another of the Assassimates. That being once at his Chamber, the Prisoner said to him, *Master, shall we do nothing?* Adding, that if the Duke of *Monmouth* would be true and appear, he could bring fifty or sixty honest Men of t'other side the Water to do the Business; either a *brisk Push*, or the *two Brothers*, the Captain and Lieutenant, which were the terms they used since the *Van-Herring* was printed. That he thought him a pretty honest Fellow before this Time; and that he thought him deluded by *Goodenough* in the thing. Whereupon the Id. Ch. Justice ask'd

asked *West*, if he came to justify these things? *West* reply'd, That he had been basely deluded, and he was sorry for the poor Fellow : Which caus'd the Ld. Ch. Justice to tell him, that it was unusual for Men in his Condition to use such Expressions in such a Case. And being afterwards told by Mr. Serj. *Jefferies*, that he found him not worthy of the Mercy the King had shewn him : Then Mr. *West* reply'd, That it was a Word put from him unawares.

Then Sir *Nicholas Butler* deposed, That he had long known the Prisoner, and that he was always ready for plotting such Purposes as were now laid to his Charge. For that when Sir *Francis Chaplain* was Lord-Mayor, and the King stood at Mr. *Waldo's*, the Prisoner came to his House, and told him, that now they had a fair Opportunity to take off the King and the Duke at once : To which purpose there were to be half a dozen with Cross-Bows, at a Window in *Bow-Steeple*, just opposite to the Balcony. That thereupon he acquainted the King and the Duke of *York* herewith, and one *Horsel* was appointed to search and watch the Steeple, but none came ; and that the Prisoner upon his Examination hereof before the King, had confessed all this.

Capt. *Richardson* deposed, That he was by while Sir *Nicholas* examin'd the Prisoner, as to the Crime he now stood charged with ; and that he said, that Mr. *Goodenough* came and told him he wanted *Labourers* ; and that it was to kill the King and the Duke of *York* ; and confess'd, that he agreed to be one that would undertake it ;

and that *Goodenough* promis'd him 20 l. to buy him an Horse and Arms. That at another Meeting, he said, he was for killing the King, and saving the Duke; but *Goodenough* was for both. That he told them the Business of *Rye*, which place he knew not; but said, it was the place where the King was to be murdered.

To all this the Prisoner said little or nothing, only that he did not know the place where, nor when it was proposed about the *Rye*; and that he was drawn into it by *Goodenough*. That as to the Cross-Bows he was only told it, but never design'd it. And being ask'd what Religion he professed? he answered, That he heard sometimes *Baptists*, sometimes *Independents*, and sometimes *Presbyterians*.

After a short Charge, the Jury brought him in *Guilty* without stirring from the Bar.

*The Trial of William Russel Esq; at the
Old-Baily, on Friday, July 13. 1683.*

THen and there the Prisoner appearing, he was Arraigned upon an Indictment of High-Treason, for conspiring the Death of the King, and subversion of the Government: To which being required to plead, he desired a Copy of his Indictment; but being told nothing could be granted till he had pleaded, he pleaded *Not Guilty*. And then complain'd of his being arraign'd and tried at the same time; desiring

desiring a Copy of his Panel, having had only some Names of Persons usually upon Juries; and that his Trial might be deferr'd till the Afternoon, in regard he had a Witness that was not in Town. But the Attorn. Gen. urg'd the Jury might be called. Then the Prisoner desired a Pen and Ink, and some to write for him, and to have the use of his Papers; all which were granted.

And then *John Martin* being named, the Lord *Ruffel* asked if he were a Free-holder of forty Shillings a Year; saying, that he thought none were allowed but such as were Free-holders. To which the Court replied, That no Pannel was made in *London* by Free-holders, for that *London* Estates, belonging either to the Nobility or Gentry that lived out of the City, or to Corporations, *London* was excepted.

To this his Lordship urged the Statute of 2 Hen. 5. wherein he said it was positive, that in Cases of Life and Death, no Man should be judged but by those that have forty Shillings a Year.

But the Attorn. Gen. not allowing the Prisoners Exceptions, his Counsel were called, and again assigned him by the Court, Mr. *Pollcxfen*, Mr. *Holt*, and Mr. *Ward*; who learnedly urged what they took to be Law in that Case; and were answer'd by the Attorn. Gen. Mr. Sol. Gen. Sir *George Jefferies*, and Mr. *North* the King's Counsel. And then it was adjudged, by eight of the Judges being present, (*viz.* the Ld. Ch. Justice, the Ld. Ch. Baron, Mr. Justice *Wyndham*, Mr. Justice *Jones*, Mr. Justice *Charlton*, Mr.

Justice *Levins*, Mr. *Baron Street*, and Mr. Justice *Withens*) that in case of Treason, Free-hold was no good cause of Challenge. The Jury-men therefore were called ; and after the Lord *Ruffel* had challenged 31 of them, the following Persons were sworn, viz.

John Martin,
William Rouse,
Fervas Seaton,
William Fashion,
Thomas Short,
George Toriano,

William Butler,
James Pickering,
Thomas Jefe,
Hugh Noden,
Robert Brough,
Thomas Oneby,

To whom the Indictment being read, the same was opened by Mr. *North*, and the Attorney-General opened the Evidence.

And then Col. *Rumsey* being sworn, deposed, That about the latter end of *October*, or beginning of *November*, the Lord *Shaftsbury* sent him from his Lodging by *Wapping* to Mr. *Shepherd's*, to the Duke of *Monmouth*, the Lord *Ruffel*, Lord *Grey*, Sir *Thomas Armstrong*, and Mr. *Ferguson* there met, to know what Resolution they were come to about the rising of *Taunton* : Their answer was, That Mr. *Trenchard* had failed them, that he had promised 1000 foot and 300 Horse, but when he came to perform it, he could not. He thought the People would not meddle, unless they had some time to make Provision for their Families. That Mr. *Ferguson* made this Answer, the Lord *Ruffel* and the Duke of *Monmouth* being present, and the Lord *Grey* saying something to the same purpose

pose. And upon this it was, the Lord *Shaftsbury* prepared to be gone. That he was with them at *Shepherd's* about a quarter of an hour, and that there was some discourse about seizing of the *Guards* at the *Savoy* and *Mews*, in case the Insurrection had gone on, (which was to have been on *Novemb. 19.*) and that the Duke of *Monmouth*, the Lord *Grey*, and Sir *Thomas Armstrong* undertook to view the *Guards*; and that the Lord *Ruffel* assented to all this; and the Witness was to have gone to *Bristol* by the order of the Earl of *Shaftsbury* against that time.

Then Mr. *Shepherd* deposed, that in *October* Mr. *Ferguson* came to him in the Duke of *Monmouth's* Name, to request the conveniency of his House, for him, and some other Persons of Quality to meet; That in the Evening came the Duke of *Monmouth*, the Lord *Grey*, the Lord *Ruffel*, Sir *Thomas Armstrong*, Col. *Rumsey*, and Mr. *Ferguson*, one after another. That Sir *Thomas Armstrong* desired they might be private, and therefore what they wanted, he fetch'd up himself, not suffering his Servants to come up. That their Discourse was about seizing the *Guards*; and the Duke of *Monmouth*, Lord *Grey*, and Sir *Thomas Armstrong*, went one time to view them; and the next time they met at his House, he heard Sir *Thomas* say, the *Guards* were very remiss in their Places, and not like Soldiers, and that the thing was feasible if they had strength to do it. That they met twice at his House, and the Prisoner was there both times. That Mr. *Ferguson* read a Paper, in the Nature of a Declaration, setting forth the

Grievances of the Nation in order to a Rising. He could not say the Lord *Russel* was present at the reading of it; but Col. *Rumsey* was; who then deny'd it, saying, it was over before he came.

Then the Lord *Howard*, being sworn, began his long Evidence with a low Voice (pretending the News he had just then receiv'd of the Earl of *Essex's* Fate, had sunk his Voice) and a long Story of the Designs of the Earl of *Shaftsbury*, an Account of which he had from Capt. *Walcot*, whom he brought acquainted with the Earl of *Shaftsbury*; and by whom the Earl of *Shaftsbury* sent for him, while he absconded, at one *Watson's* at the end of *Woodstreet*, and there discover'd to him his Design of the Rising, and that he had 10000 brisk Boys ready to follow him, whenever he held up his Finger, who were to possess themselves of the Gates, and would in an Hour's time be 5 times multiplied. But that his Design was much retarded by the backwardness of the Duke of *Monmouth* and the Lord *Russel*, who failed him in not being ready prepared to concur with him in the Country; that he then endeavour'd to shew the Earl of *Shaftsbury* the necessity of having those Lords concurrence in so weighty an Undertaking, and proffer'd his Service to bring them to a right Understanding among themselves: to this end he spoke with the Duke of *Monmouth*, who deny'd that either he or the Lord *Russel* had given the Earl of *Shaftsbury* any encouragement to be so forward, because they knew the Country could not be ready to stir so soon.

That

That a Meeting was then propos'd, but afterwards put off, by reason of the Earl of *Shaftsbury's* fears of being discover'd. That the Duke of *Monmouth* told him, that the Lord *Ruffel* had been with the Earl of *Shaftsbury*, and perswaded him to put off his *Rendezvouz* for only a Fortnight, against which time they would try to be ready for him. But the Country not being ready, that Design was disappointed. That in *October* Captain *Walcot* acquainted him with the Design upon the King, with which he acquainted the Duke of *Monmouth*, who said he would never suffer it, and they did all they could to prevent it. This failing, the next Design was to be on *Novemb.* the 17th; but the Country not being then in a readiness, the Earl of *Shaftsbury* upon hearing it, went away for *Holland*. That after this they all began to lie under a sense, that they had gone so far, and communicated it to so many, that it was unsafe to make a Retreat; And for the carrying it on, thought it necessary there should be some General Council, that should take upon them the care of the whole: Whereupon they erected the Council of six, which consisted of the Duke of *Monmouth*, Earl of *Essex*, Lord *Ruffel*, Mr. *Hambden jun.* Col. *Sidney*, and himself. That these met at Mr. *Hambden's* House about the middle of *January* last; and there the Particulars offer'd to their Consideration, whereto they were to bring their Advice, were, Whether the Insurrection were most proper to be begun in *London*, or in the Country, or both in an Instant? What Countries and Towns
were

were fittest, and most dispos'd to Action? What Arms were necessary to be got, and how to be disposed? How to raise a Common Bank of 25 or 30000 *l.* to answer all Occasions? And lastly, How to draw *Scotland* to consent with them, it being thought necessary that all Diversion should be given.—That about ten Days after, the same Persons met again at the Lord *Russel's*; where it was resolv'd to send into *Scotland*, to invite some Persons hither, who could give the best account of the State thereof, viz. Sir *John Cockram*, the Lord *Melvil*, and Sir *Hugh Campbel*; and that in Discourse it was referr'd to Col. *Sidney*, to take care of that Business; who afterwards told him, he had sent *Aaron Smith*, and given him 60 Guinies for his Journey. That to avoid Observation, they concluded not to meet till the return of this Messenger; and he going in the mean time to his Estate in *Essex*, and thence to the *Bath*, he knew nothing more; only when he came back he was informed *Smith* was come back, and Sir *John Cockram* with him. That he was sure the Lord *Russel* was present at these Meetings; and to his understanding did consent, though nothing was put to the Vote; And he wished he could say the Lord *Russel* was not there. To this the Prisoner insisted, that most he had said was only hearsay, and the two times they met, was not upon any formed Design, but to talk of News, and they were delighted to hear the Lord *Howard* talk, being full of Discourse, of a voluble Tongue, and talk'd well. And that he never saw any of the *Scotch* Gentlemen, only
the

the Lord Melvil, but never upon this Account.

Here the Attorney General urged that *Aaron Smith* did go into *Scotland*, and that *Campbel* he went for was taken; which Mr. *Atterbury* swore that he was then in his Custody, and that he had been, by his own Confession, four days in *London* before he was took.

Then Mr. *West* deposed, That he never had any Conversation with the Prisoner, only he had heard Mr. *Ferguson* and Col. *Rumsey* say, that the Lord *Russel*, in the Insurrection in *November*, intended to take his Post in the West, where Mr. *Trenchard* had failed them; and that they most depended upon him, because he was looked upon as a Person of great Sobriety.— But this being all but Hear-say, the Court would not admit it as Evidence.

The King's Counsel therefore left the Evidence here, and call'd on the Prisoner to make his Defence; who to all this made Answer, That he could not but think himself mighty unfortunate to stand there charg'd with so high a Crime, and that intermixed with the horrid Practices and Speeches of other People, the King's Counsel taking all Advantages, and improving and heightning things against him. That he was no Lawyer, an unready Speaker, and not so well prepared as he should be, &c. That he thought his Jury were Men of Consciences, and would consider that the Witnesses against him swore to save their own Lives. Neither was what Col. *Rumsey* swore enough to take away his Life; or if it were, the Time
was

was elapsed by the 13th of this King, which limits Prosecution to six Months. Neither was a design of Levying War, Treason, unless it appeared by some *Overt-Act*, as appears by the 25th of *Edw. 3d.* And then desiring to know upon what Statute he was indicted; it was told him, upon the 25th of *Edw. the 3d.* Whereupon he desired Counsel upon these two Points, as Matter of Law; Whether the Treason were duly proved? and if it were, Whether it were punishable by the Statute?

In Answer to which, the Court inform'd him, That if he were contented that the Fact should be taken as proved against him, and desired Counsel upon what was bare Matter of Law, he should have it granted; but there could be no Matter of Law admitted, but upon a Fact admitted, and stated.—And whereas he insisted, that the Business at Mr. *Shepherd's* House was sworn to only by one Witness; It was answered, that if there were one Witness of one Act of Treason, another of a 2^d, and another of a 3^d, that manifested the same Treason, it was sufficient.—The Statute then of 25th of *Edw. 3d. c. 2.* was read.

And then the Prisoner insisted that he was never but at one Meeting at Mr. *Shepherd's*; and Col. *Rumsey* was there before he came in: but *Rumsey* said, No, the Duke of *Monmouth* and the Lord *Ruffel* went away together.

Then in behalf of the Prisoner, the Earl of *Anglesey* declared, That visiting the Earl of *Bedford* last week, the Lord *Howard* came in, and told the Earl of *Bedford* that his Son could

not

not be in such a Plot, or suspected of it; and that he knew nothing against the Lord *Russel*, or any Body else, of such a Barbarous Deligu. And then going on to tell what the Lady *Chaworth* had told him, the King's Counsel interrupted him, telling him, as the Court would not permit them to give Hear-say-Evidence against the Prisoner, so they must not permit his Lordship to do it for the Prisoner.

Mr. *Edward Howard* declared, That the Lord *Howard* took it upon his Honour and his Faith, he knew nothing of any Person concerned in that Business; and not only thought the Lord *Russel* unjustly suffered, but he took God and Man to Witness, he thought the Lord *Russel* the Worthiest Man in the World.

Dr. *Burnet* declared, The Lord *Russel* was with him, the Night after the Plot broke out, and did then, as he had done before, with Hands and Eyes lifted up to Heaven protest, that he knew nothing of any Plot, nor believ'd any, and treated it with great Scorn and Contempt.

The Lord *Cavendish* testified to the Prudence and Honour of the Lord *Russel*, and how unlikely it was for him to be concern'd; and had heard him declare his ill Opinion of *Rumsey*, two or three Days after the Discovery, and therefore that it was unlikely he would entrust him with such a Secret.

Dr. *Thomas Cox*, and Dr. *Burnet* again testified as to his Life and Conversation, and of his aversness to all Risings; and that he said the Lord *Howard* was a Man of Luxureant Parts,
but

but he had the luck not to be trusted by any Party.

Dr. Tillotson, Duke of Somerset, Lord Clifford, Mr. Levenson Gore, Mr. Spencer, and Dr. Fitz-Williams spoke as to his Lordship's Conversation.

And then the Lord Howard being asked by the Jury what he said to the Earl of Anglesey's Evidence, owned what the Earl said, but that he did it to out-face the Matter; and if he said untrue, he ought not to be believed on his Oath; insinuating, that he meant what he said, to be meant of a Design of Murthering the King, which he did not believe the Duke of Monmouth or the Lord Russel guilty of: *Carrying his knife close* (as he express'd it) *between the Paring and the Apple.*

After this the Lord Russel made a short Conclusion, protesting his Loyalty and Innocence; telling the Jury he was in their Hands, and pray'd God to direct them.

Then the Solicitor General summ'd up the Evidence, and after him Serjant Jefferies taking Notice of the Earl of Essex's Death, as an Evidence of Guilt, did the same. And the Ld. Ch. Justice deliver'd his Charge to the Jury; and then the Court Adjourned till 4 a Clock in the Afternoon, when the Jury brought the said Lord Russel in Guilty of the said High-Treason.

The Trial of John Rouse Gent. at the Old-Baily, on Friday, July 13. 1683.

THen and there the Prisoner appearing, (having been arraigned the day before upon an Indictment of High-Treason, for conspiring the Death of the King, and subversion of the Government, and pleaded *Not Guilty*) he moved the Court, but in vain, for longer time: And therefore the Jury sworn, after several Challenges, were,

Robert Beddingsfield.

John Pelling.

William Windbury.

Theophilus Man.

John Short, sen.

Thomas Nicholas.

Richard Hoare.

Thomas Barnes.

Henry Robbins.

Henry Kempe.

Edward Raddish.

Edward Kempe.

To whom the Indictment being read, Mr. Jones, and Sir George Jefferies opened the same; and then Thomas Leigh was sworn; against whom the Prisoner excepted, because he had been sworn against as Guilty by two Persons; and being acquainted with the Prisoner, he was afraid the Prisoner should swear against him, and therefore come now to swear against the Prisoner first. But this was not allowed to be any Objection. Therefore Mr. Leigh deposed, that he had been concern'd in this Conspiracy, and knew something of it, but that he believed Mr. Rouse knew a great deal more; for that Goodenough and the Prisoner

Prisoner engaged him in a Design of raising of Men; and *Goodenough* told him the Design was to set up the Duke of *Monmouth*, and kill the King and the Duke of *York*; and that Sir *John Moor* and the Aldermen were to be kill'd, and their Houses plundered; and that there would be Riches enough which would serve to maintain the Army. That Mr. *Rouse* told him, he could provide Arms for 100 Men, and that nothing was to be done unless the King was seized; saying, we might remember since 41, when the King went and set up his Standard; therefore, said he, we will seize them, that they shall not set up their Standard: But said, he was not for shedding their Blood. That he said also, it would be convenient to have a Golden Ball play'd upon *Black-Heath*, and to get some Sea-Captains to manage that Affair, and said, he would engage Ten; and he that wins the Ball, take it. That every Captain should then take his Party, and tell them they had other work; and then go with Long-Boats and Arms and seize the *Tower*. That he acquainted *Goodenough* with this; and telling him the Charge of the Ball, which the Prisoner had told him would be 10 or 12 *l.* he said if it were 40 *l.* he would be at the Charge of it all. That after he heard he was sworn against, Mr. *Rouse* cut off his Hair, and procured him a Wig, and lodged him at his House. That he and *Rouse*, and Mate *Lee* went several times to view the *Tower*. That *Rouse* told him, he had spoke to two Sea-Captains, who were willing, but one was going to *New-Jersey*, and therefore the Work must be done before

before he went, or he could not assist. That while he lay hid at *Rouse's* House, Mr. *Nelthrop* and Mr. *Goodenough* directed him to deny all, when-ever he should be taken into Custody, and it could not touch his Life.—That they met several times-afterwards; and had an Account in *June* last, that Mr. *Goodenough* was in the *North* raising Men, and that the Duke of *Monmouth* was thereabouts, and that a Deliverance should be wrought for all this. That the Design was so laid, that he was told it was to be done in a Fort-night. That they never agreed on a Method to kill the King, but that they told him they had 1000 Horse ready in the Country, and 500 Horse ready in Town, and that the King should be kill'd coming from *Windsor*. That they were contriving to send Arms by Night in Trunks to some private Place, where they were to arm themselves in the Night; and some brisk Men were to go to *Windsor* to know when the King came, and give Information; and so they were to set upon him in some convenient Place, and both the King and the Duke were to be taken off together: Mr. *Rouse* saying, Take them off, and then no Man can have Commission to fight for them. And both to him, and in Company, Mr. *Rouse* (who had been a Traveller) had said, That the King was sworn, both in *France* and *Spain*, to bring in Popery and Arbitrary Power in so many Years, and therefore it was no Sin to take him off; and told him, he had it under his own Hand.

Then Mate *Lee* deposed, That the Prisoner had several times treated with him to get Sea-

men fitting to make Commanders of Ships; some of the King's Men of War that lay at *Deptford* and *Woolwich*, for that the *Tower* and *White-hall* was to be secured, or else they could do nothing.

Mr. Thomas Corbin deposed, That in 1681, he heard the Prisoner say, He thought the Session of the *Oxford* Parliament would be very short: But those frequent Prorogations and Dissolutions of Parliament, would not avail the King; for that what ever he has, the Parliament gave him, and they may take it away when they please. Upon which one bidding him have a care what he said; he reply'd, The King had forfeited his Crown, and had no more right to it than he had.

Mr. William Richardson deposed, That when the Prisoner was first seiz'd, he denied his Name to be *Rouse*, calling himself *Johnson*.

The Prisoner's Defence, was only a retorting the Accusation upon the Witness, alledging, That *Mr. Leigh* first discoursed these Treasons to him, which he only listned to, to pump out the bottom of his Design, that he might discover them. Protesting his Innocency, and that the words *Mr. Corbin* testified against him, was not spoke of the Parliament, but of the Pope, and he had been before tried and acquitted for them. Saying, it was his unhappiness he had no Witnesses to call.

The *Ld. Ch. Justice* therefore, in a few words, summing up the Evidence, the Jury presently brought him in *Guilty*.

*The Trial of Capt. William Blague, at the
Old-Baily, on Friday, July 13. 1683.*

THE Prisoner having been Arraigned the day before, and pleaded *Not Guilty*, to an Indictment for High-Treason, for conspiring the Death of the King, and subversion of the Government, was then and there set again to the Bar; and making no Challenges, the former Jury was sworn, *viz.*

Robert Beddingfield.

John Pelling.

William Windbury.

Theophilus Man.

John Short, sen.

Thomas Nicholas.

Richard Hoare.

Thomas Barnes.

Henry Robins.

Henry Kemp.

Edward Raddish.

Edward Kemp.

To whom the Indictment being read, and briefly opened by Mr. *North*, and Serjeant *Jefferies*; *Thomas Leigh* deposed, That the Prisoner in discourse with him and *Goodenough* about seizing the *Tower*, told them, that the only way was to do it with Mortar-Pieces, that he would venture his own Ship, and provide 200 Men; and lay his own Ship on *Southwark* side, and make up his 14 Guns he had already 24; and would undertake, once in 20 times, to dismount the five Pieces that fac'd towards *Southwark*-side. That he ask'd *Goodenough* what Mony was provided? who answering, 40000 *l.* He answered, the Seamen would swallow that up presently;

to which *Goodenough* replied, there was more provided at any time.

Mate *Lee* swore, That the Prisoner told him, as they were in a Coach together, that one of these days they should have a Ball to toss; which afterwards he understood by *Rouse* and *Leigh*, was the Ball that was to be toss'd on *Black-Heath*. That about six Weeks ago, Capt. *Blague* and he walking about the *Tower*, and discoursing of seizing it; his way was to scale it; but the Captain said, the best was to shoot Mortar-pieces on *Southwark*-side; but about the Ship he could say nothing.

The Prisoner's Defence was, That his Business with *Rouse* was, to procure him Money, as being a Broker; which brought him sometimes into *Goodenough's* Company; but that he never discours'd about any Publick Affairs; and as to the seizing the *Tower*, it was only accidental Discourse: And as for his 200 Men, it was impossible, his Vessel being but a Pink, which had been in his Possession but three Weeks; and what Arms he had, he bought therewith, and that he never heard any thing about, either a Ball or Bank of Money. [Calling his Witnesses.]

Mr. *Wright* declared, That he had waited on the Captain ever since he had been shipp'd; and was in his Pay before he had the Ship in possession.

Robert Chappel, Carpenter, declar'd, The Vessel was not able to do any Service three Weeks ago; and that he had been shipp'd four Months and an half to go for *New-York*.

One *Bellinger* the Chirurgeon declared, That he had belonged to the Ship seven Weeks, and to the Captain before he had a Ship; and for Guns belonging to the Ship, there were fourteen Saker-Guns, of which four were Wooden ones; six above Deck, and four in the Hold.—

The Lord Chief Justice then summ'd up the Evidence, taking notice to the Jury, that these Men belonged to the Captain a great while ago, and that there was only one Evidence that did affect him.

Wherefore the Jury withdrawing, in a short time returned, and brought him in *Not Guilty*.

THE next day, being Saturday, *July 14. 1683.* the Lord *Russel*, Capt. *VValcot*, Mr. *Rouse*, and *William Hone*, were brought to the Bar to receive Sentence.

Where the Lord *Russel* desired to hear his Indictment read in English, which was granted; and thereupon demanded an Arrest of Judgment, because there had been no Evidence of his conspiring the Death of the King, (as it was in the Indictment) but only of levying War.

But the Verdict being past, the Court told him, they must go by what the Jury had found, and not the Evidence; and therefore Sentence was pass'd upon him, to be *Drawn, Hang'd, and Quarter'd*.

Capt. *VValcot* had nothing to say, but desired that his Son and some Friends might come and see him.

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Hone had no more to say, but begg'd the same favour.

Rouse insisted on some Disadvantages he had when he came on his Trial; and some difference between the Indictment, and their Oaths; but Verdict being past, Judgment was given against them three, as against the Lord *Russel*.

And upon Friday, *July 20.* following, *Walcot* being drawn to *Tyburn* in one Hurdle, and *Rouse* and *Hone* in another, and there put into a Cart, attended by Dr. *Cartwright* the Dean of *Rippon*, and the Ordinary of *Newgate*, who urged them much to discover all they knew of the Plot, after they had spoke to the People, were executed accordingly.

The next day, being Saturday, *July 21.* the Lord *Russel* having taken leave of his Lady, the Lord *Cavendish*, and several others of his Friends, at *Newgate*, took Coach, with Dr. *Tillotson* and Dr. *Burnet*, who accompanied him to the Scaffold, built in *Lincolns-Inn-Fields*, where he deliver'd his Speech to the Sheriff; and after some Preparation, he ordered the Executioner, after he had lain down a small moment, to do his Office, without a Sign; and so his Head at three blows was severed from his Body, and ordered by the Sheriff to be delivered to his Lordship's Friends and Servants, as being given them by his Majesty's Favour and Bounty.

The Trial of Algernon Sidney Esq; before the Lord Chief Justice Jeffreys, at the King's-Bench Bar at Westminster, on the 7th, 21st, and 27th, of November 1683.

UPON Wednesday Nov. the 7th, 1683. *Algernon Sidney Esq;* was arraigned at the *Kings-Bench Bar* upon an Indictment of High Treason, for conspiring the Death of the King, and intending to raise a Rebellion in this Kingdom. Which Indictment he excepted against as erroneous, several Crimes being put together therein, distinct in nature one from another, and distinguished by Law : offering to the Court a Parchment, wherein were his Exceptions to the Bill, but it was refused, and he forced to plead, which he did at length, *Not Guilty*. And then he desired a Copy of the Indictment, which was denied him, but upon his Request, it was read to him again in Latin, and his Trial appointed to be on Wednesday *Novemb.* the 21st, 1683.

Then and there the Prisoner again appearing, he desired Pen, Ink and Paper, and that Mr. *Vinn* and Mr. *Gibs* might write for him, which were granted him ; and then he shewed the reason he had before to desire a Copy of his Indictment, which the Lord *Stafford*, and the other Lords in the Tower had, urging it for Law, upon the Statute of 46 *Edw.* 3. But the Court over-ruled it.

Then the Clerk of the Crown called the Jury, and after several Challenges, the Jurors were,

<i>John Anger,</i>	<i>Josias Clerke,</i>
<i>Richard VWhite,</i>	<i>George Glisby,</i>
<i>VWilliam Linn,</i>	<i>Nicholas Baxter,</i>
<i>Lawrence VWood,</i>	<i>VWilliam Reeves,</i>
<i>Adam Andrews,</i>	<i>VWilliam Grove,</i>
<i>Emery Arguise,</i>	<i>John Burt.</i>

To whom the Indictment being read, Mr. Dolben opened the same, and the Attorney General opened the Evidence; and then Mr. VWest was called, against whom the Prisoner excepted; because he had heard, that he had confessed many Treasons, and desired to know if he was pardoned, alledging that otherwise he could not be a good Witness; but the Ld. Ch. Justice would not hear of it, he having been a Witness at the Ld. Russel's Trial, and therefore being sworn, he deposed, That (as to the Plot in general) Capt. VValcot had told him in *October* last, the Lord Shaftsbury designed an Insurrection in *November*, which he dissuaded him from: and a little afterwards he told him the thing was disappointed, and upon it Shaftsbury went into *Holland*: That Col. Rumsey about *Christmas* told him, the D. of *Monmouth*, E. of *Effex*, Ld. *Howard*, Ld. *Russel*, Mr. *Hambden jun.* and the Prisoner at the Bar, intended an Insurrection; but afterwards he said, they would not venture thereon, till they had a Concurrence in *Scotland*: That Mr. *Nelthrop* afterwards told him, that Colonel *Sidney* had sent *Aaron Smith* into *Scotland*, with Letters to invite

invite some Scottish Gentlemen to Town, with Money to bear his charges : The Letter bearing a Cant of settling Business in *Carolina*, but really was in order to the Insurrection. That afterwards Mr. *Smith* returned, and some Scottish Gentlemen with him. And soon after Mr. *Ferguson* said the Scots proposed, That if they might have 30000 *l.* in ready Money, they would undertake to make an Insurrection in *Scotland*, without the Concurrence of *England*; which Proposal, he said, was agreed to, and the Money would be soon ready, and Mr. *Shepherd* would return it; That the Arms were ready bought, and the E. of *Argile* would go into *Scotland*, and head the Scots. That some difference arose about raising this Money; but the *Ld. Gray* did offer to raise 10000 *l.* out of his own Estate, if the rest would pay their Proportion : That then the Scots came down to less, but were not complied with : That the places for rising were *Bristol, Taunton, York, Chester, Exeter* and *London*, where it was to begin : That the Prisoner and Major *Wildman* were very instrumental in breaking off this Agreement, because they could not agree about a Declaration, and about the form of Government; the *English* inclining to a Common-wealth; which the Scottish Nobility it was supposed would not agree to : That as to the Prisoner, he knew nothing in particular, and never spoke with him till since the Discovery.

Then Colonel *Rumsey* being sworn, deposed, That about the latter end of *October*, or beginning of *November*, he was sent by the E. of *Shaftsbury* to Mr. *Shepherd*s, to know of the Gentlemen
met

met there (who were the D. of *Monmouth*, the *Ld. Gray*, *Ld. Russel*, *Sir Thomas Armstrong*, *Mr. Ferguson* and *Mr. Shepherd*) what was done about the Rising intended at *Taunton*? who told him that *Mr. Trenchard* had failed them, and that it must cease for that time. That afterwards he met several times in *March*, *April* and *May*, at *Mr. West's* Chamber, and other places with *Capt. Walcot*, *Mr. West*, the two *Goodenoughs*, *Mr. Bourn* and *Mr. Wade*, where they had divided the City into twenty parts, of seven parts of which *Mr. Goodenough* brought an account, but said nothing of the other thirteen, because he had not spoken with those who were to tell him how many Men they would afford for the Insurrection. That a Council of six, (as *Mr. West* and *Mr. Goodenough* told him) did manage the Rising, which were the D. of *Monmouth*, E. of *Essex*, *Ld. Howard*, *Ld. Russel*, *Colonel Sidney*, and *Mr. Hambden*.

Then *Mr. Keeling* deposed, That in Summer last, *Mr. Goodenough* brought him three Papers, one for himself, and the other two for whom he could trust, in the two Divisions; whom asking if he design'd a General Insurrection? he reply'd that if he did not, if the King w^{as} taken off, this would do well, for then the People would know how to have recourse to a formidable Body. And he had heard him also say, that *Colonel Sidney*, whom he knew not, had a considerable part in the Management of that Affair.

Then the *Ld. Howard* deposed, That about the middle of *January* last, the D. of *Monmouth*, *Colonel Sidney* and himself, being together
(who

(who he supposes were the first Movers hereof) did think it necessary to an Enterprize that had been long in hand, and fallen flat then, that it should be revived by some select Cabal (not exceeding seven) that should be set up to give it Life, and govern its Motions. To this end the D. of *Monmouth* undertook to engage the E. of *Salisbury*, the Ld. *Russel*, and Colonel *Sidney*, the E. of *Essex*, and Mr. *Hambden*. Soon after he was told the Persons named had agreed; and had appointed a meeting at Mr. *Hambden*'s House that Month, where he met them, viz. the D. of *Monmouth*, E. of *Essex*, Ld. *Russel*, Colonel *Sidney*, Mr. *Hambden*, and himself: and being met, Mr. *Hambden* opened the Session, giving an account of the Reason, End and Intention of that Meeting: That afterwards they discoursed of the time of Rising, and of Arms, and Money to be provided, the D. of *Monmouth* propounding 25 or 30000 *l.* but before any advance should be made, a Coalition with *Scotland* was to be procured, and a fit Person thought on to be sent thither. That about the middle of *February* following, they had another Meeting at the Ld. *Russel*'s House; where it was propounded by Mr. *Hambden* (discouraging of the Government they would terminate in) to have all resolved into the Power of a Parliament; which, though sounding harsh to some there, was consented to, it being only a publick Good which all intended. Then was considered the settling a Correspondency with the E. of *Argile*, the Ld. *Melvin*, Sir *John Cockram*, and the *Campbells*, Colonel *Sidney* proposing *Aaron Smith* to be sent,

sent, taking the care hereof upon himself; whom afterwards he sent, and he saw about sixty Guinies which the Prisoner told him were for *Smith*; and afterwards told him, that he had heard from him, from *Newcastle*; after this he going into the Country, heard nothing further.

Sir Andrew Foster then depos'd, as to his seeing *Sir John Cockram*, Commissary *Monro*, and the *Campbells* in Town at the beginning of Summer, coming up under a pretence of making a Purchase in *Carolina*; but that after the Rumor of the Plot, *Cockram* absconded, and the *Campbells* (Father and Son) he heard were seiz'd, changing their Lodgings.

Then *Mr. Atterbury* deposed, that the beginning of *July* last he was sent for into *London*, upon a discovery of some *Scotch* Gentlemen that lay about *Black-Fryers*; and when he came, the Common *Serjeant* had been before him, and found *Sir Hugh Campbel*, and *Sir John Cockram*, who had been some little time in Town, making an escape into a Boat.

After this *Sir Philip Lloyd*, swore his seizing of Papers in *Colonel Sidney's* House, the latter end of *June* last, the Colonel being present; and that he believed those Papers shewn him now in the Court to be the same.

Mr. Shepherd swore, that he was acquainted with his Hand, and that he believed the Writing shewn him was his Hand; for that he had seen him write the Indorsment upon several Bills of Exchange.

Mr. Cary swore it to be like what came to him for his Hand-writing, though he had never seen him

him write but once ; but had seen his Indorsment on Bills.

Mr. *Cooke* swore he had never seen him write, but it was like his Indorsment on Bills, which he hath paid, and was never called to an account for Mispayment.

Then Mr. *Attorney General* directed the Clerk what part of the Libel he should read ; which accordingly he did ; and among the rest, these particular Passages which were laid in his Indictment, *viz.* “ The Power originally in the People of *England* is delegated unto the Parliament, He (meaning the King) is subject unto the Law of God as a Man, to the People that makes him King, in as much as he is a King. The Law sets a measure to that Subjection, and the Parliament judges of the particular cases thereupon arising. He must be content to submit his Interest unto theirs, since he is no more than any one of them in any other respect, than that he is by the common Consent of all raised above any other. If he doth not like this condition, he must renounce the Crown ; but if he receive it upon that condition (as all Magistrates do the Power they receive) and swear to perform it, he must expect that the Performance will be exacted, or revenge taken by those that he hath betrayed.

And elsewhere was read these Sentences, *viz.* “ We may therefore change or take away Kings, without breaking any Yoke ; or, that is made a Yoke which ought not to be one ; the Injury therefore is in making or imposing, and there
“ can

“ can be none in breaking it. Also, that the
“ general Revolt of a Nation from its own Ma-
“ gistrates could not be call'd a Rebellion. And
“ that the Power of calling and dissolving Par-
“ liaments is not in the King.

Much more was read, on the same Argument, and then the Sheets were shewn to the Prisoner, who said he knew not what to make of it, and let him give an account of it that did it. After which the Record of the Conviction of the *Ld. Russel* was read; the King's Counsel here ending their Evidence.

The Prisoner then beginning his Defence, desired to know upon what Statute he was indicted; and being informed it was upon the Statute of 25 of *Edw. 3.* upon the first Branch, for conspiring the Death of the King; he argued that the finding of such a Paper in his House, could not therefore concern him. For though *Sir Philip Lloyd* did ask him to put his Seal to it, yet not till he had been in his Closet, and he knew not what he had put into the Bag, and therefore he refused to seal it. And for his Hand, it was easy to be counterfeited. And for the Witnesses, that he never spake with the *D. of Monmouth* above three times in his Life; and that therefore the *Ld. Howard's* Testimony was very improbable. That however there was only he that witnessed against him; whereas there ought to be two to the same thing. That the *Ld. Howard* had said at the *Ld. Russel's* Trial, that he said all he could, but that now he had said many things he did not then mention; particularly what concerned *Mr. Hambden*; that he

he was under the Terror of Punishment for Treason whereof he had accused himself ; and had said that he could not get his Pardon, until he had done some other Jobs, and till he was past this Drudgery of Swearing ; besides that he owed him a considerable Sum of Mony, and had protested the Prisoner's Innocence.—— That the Paper seemed to be written long since, and in answer to Sir *Robert Filmer's* Book, &c. Urging that conspiring to levy War is no Treason, and desired Counsel upon it (but the Court would not hearken) He urged also that no Man ought to be answerable for what he writes in his own Closet, unless he publish it.

After which he called the E. of *Anglesey*, who declared that being in company with the E. of *Bedford*, when the Ld. *Howard* came to give him a visit, and to comfort him in his Affliction for his Sons being taken, he told him he was not to be troubled, for that he had a discreet, a wise, and a vertuous Son, and that he could not be in any such Plot, and his Lordship might therefore well believe his Son secure ; for he believ'd he was neither guilty, nor so much as to be suspected. He proceeded further, and said he knew of no such barbarous design ; and could not charge the Ld. *Russel* with it, nor any body else.

The E. of *Clare* declared, that the Ld. *Howard*, about a Week before he was taken, did say, speaking of the Times, that if ever he was question'd again, he would never plead, because he was sure they would have his Life, though never so innocent ; saying, he thought the Persecution

was

was begun which Bp. *Usher* had prophesied of, but he hoped it would be short. And for Col. *Sidney*, he did with great Asseverations assert that he was as innocent as any Man breathing, speaking much in his praise, and bemoaning his misfortune ; which he thought real, because never Man was ingaged more to another, than he was to Col. *Sidney* ; And speaking of Papers, he said he was sure, they could make nothing of any Papers of his.

Then Mr. *Philip Howard* declared, that when the Plot first broke out, he met the Ld. *Howard* at his Brothers house, and telling him of it, and naming the Persons to him, who had confess'd it, he said he knew none of them, and it amazed him, thinking such a thing not possible. That advising him then to procure an Address from the discontented Lords, to shew their Detestation of the thing, as a means to reconcile all things, he promis'd him to go about it, desiring him to stay till he came back ; but that he never came back while he was there. The next day, he found him again at his Brother's house, and telling him of the Ld. *Russel's* being taken, he said, *We are then all undone*, desiring him to go to the Ld. *Privy Seal* to see whether he was to be taken up : for that he doubted it was a Sham-Plot : for if it were a true Plot, he should fear nothing ; but being a Plot made upon them, no Man was free. That he met him a third day at the same Place, and found him very melancholy, because (as he said) Col. *Sidney* was taken ; he having that particular Obligation from the Colonel that no one Man had from another.

Then

Then Dr. *Burnet* declared, that the *Ld. Howard* came to him, the day after the Plot broke out, and with Hands and Eyes lifted up to Heaven, he protested he knew nothing of any Plot, and believed nothing of it, and said, that he looked upon it as a ridiculous thing.

Joseph Ducas (a French Man) declared, that the *Ld. Howard* came the day after *Col. Sidney* was took, to the Prisoner's house, advising the carrying all the things out of his house where they might be safe. And another time coming again, he said he knew nothing of this Plot, and he was sure had *Col. Sidney* known any thing, he would have told him. And that he then telling my Lord, he was not safe in his House; the *Ld. Howard* said he had been a Prisoner, and he had rather do any thing in the World than be a Prisoner again.

Then the *Ld. Paget* declared, that seeing the *Ld. Howard* presently after the breaking out of this Plot, he told him he was glad to see him abroad, and that he was not concern'd in this Disorder. Which he said, he took as an injury to him, for that his saying so looked as if he were guilty; but that he knew nothing of himself, or any Body else; nor had he seen any Body that could say any thing of him, or give him any occasion to say any thing of any Body else.

Mr. Edward Howard declared, That as soon as the Plot broke out, the *Ld. Howard* having a great intimacy with him, he expressed a great detestation, and surprizing in himself to hear of it; and assured him under great Asseverations, that he could neither accuse himself, nor any

Man living ; and that he was much concern'd for certain Persons of Quality, that they should be so much reflected on, or troubled about it. And that this he verily thinks my Lord spoke sincerely ; and that he knew his Disposition so well, that if he had had any Guilt upon him, he would never have stood his being taken. — That another time, discoursing the *Ld. Howard* about this Plot (which he omitted at the *Ld. Russel's* Trial, by reason of the reproof accidentally given him) that it was certainly a *Sham*, even to his Knowledge, too black for any Minister of of publick Employment to have devis'd, but that it was forged by People in the dark, such as Jesuits and Papists, and that this was his Conscience. And that he consented to Address the King under his Hand to testify his abhorrency of the thing ; but upon the *Lord Russel's* being taken, this was laid aside. That he really believed what my Lord said then was true ; and were he of this Jury, he would not believe what he said now. For saying which, the Court told him, he ought to be bound to his good Behaviour.

The Prisoner then urged the Mortgage, which the *Lord Howard* acknowledged.

Mr. Blake then declared, that about 6 Weeks since, the *Ld. Howard* sent for him to come and see him ; and talking then of his Pardon, he said he had a Warrant for it, and their Word and Honour for it, but that he would do nothing in it till he had further order ; and that he heard nothing of it, and could ascribe it to no other Reason, but that he must not have his Pardon till

till the drudgery of Swearing was over.

The Prisoner then called Mr. *Hunt*, and *Burroughs*, to prove that the *Ld. Howard* said he could not have his Pardon till he had done some other Jobs, but they did not appear.

Then *Grace Tracy* declared, that the *Ld. Howard* protested his Ignorance of the Plot, and of Colonel *Sidney's* being concern'd in it.

Elizabeth Penwick declared to the same purpose; and that he desired withal that the Colonel's Plate might be sent to his House for Security, for that he was apprehended through Malice.

Then one Mr. *Wharton* stood up, and offer'd to the Court, that if the sheets might be shewn him, he would undertake to imitate them in a little time, that they should not know which was which. It being the easiest Hand that ever he saw in his Life.

Then the Prisoner proceeding in his Defence, urg'd the Statute upon which he was Indicted, as consisting of 2 Branches, which were confounded in his Indictment together, though they were distinct species of Treason. And that the business of *Aaron Smith* was only conjecturally and implicitly sworn. And the Papers were imperfect, and had been writ many Years, and never publish'd, and could have no concatenation with the *Select Council*, which the *Ld. Howard* had sworn, though selected by no Body; urging how unlikely it was for a War to be rais'd by 6 Men, not knowing nor trusting one another; the *Ld. Howard* putting such things upon them, as were impossible for any one to do, that had but

the sense of Porters and Grooms.

The *Solicitor General* then summ'd up the Evidence ; making the *Ld. Howard*, and his Papers, two very good Witnesses against him.

Then the *Ld. Ch. Justice* declared his Charge to the Jury, who withdrew for half an hour, and then brought the Prisoner in *GUILTY*.

And upon Monday, *November* the 26th, being set to the Bar, the Prisoner pleaded that he conceived he had had no Tryal, for that some of the Jury were no *Free-holders*, and were not summ'd by the *Bailiff*, but were agreed upon by the *Under-Sheriff* and others ; desiring the Indictment might be read again, (which was done) and then he urged it was void, because it depriv'd the King of his Title of *Defensor Fidei*, which was Treason by the Law. Urging that there was no Treason in his Papers ; and desiring the D. of *Monmouth* might be sent for, to testify if there were any such thing as a Design, &c. complaining that his Evidence had not been rightly summ'd up ; and appealing to God and the World ; he not being heard.—After which the *Ld. Ch. Justice* pronounced Sentence upon him, to be *Drawn, Hang'd, and Quartered, &c.* Upon which *Col. Sidney* cry'd out ; “ Then, O
“ God, O God, I beseech thee, Sanctify these
“ Sufferings unto me, and impute not my Blood
“ to the Country, nor the City, through which
“ I am to be Drawn ; let no inquisition be made
“ for it : but if any, and the Shedding of Blood
“ that is Innocent, must be revenged, let the
“ weight of it fall only upon those, that maliciously Persecute me for Righteousness sake.
Where-

—Whereupon the *Ld. Ch. Justice* told him, he pray'd God fit him for another World, for he saw he was not fit for this. But the Prisoner holding out his Hand, bid his Lordship feel his Pulse, and see if he was disordered; blessing God, he never was in better temper than he was now.

On Friday, *December the 7th*, following (his Sentence being mitigated by his Majesty's Grace and Favour) he was brought from the *Tower*, to a Scaffold on *Tower-Hill*, where after a short Preparation, he was beheaded by the Common Executioner.

The Trial of John Hambden Esq; before the Lord Chief Justice Jeffries, at the King's-Bench Bar at Westminster, on Wednesday, February 6, 1683.

ON *Wednesday, November 28th*, 1683. *John Hambden Esq;* was Arraigned at the *King's-Bench Bar*, upon an Indictment of High Misdemeanour, for contriving and practising to disturb the King's Peace, and stirring up Sediti-
on in the Kingdom. To which having pleaded *Not Guilty*, and Issue being joyned, Bail was taken for his appearing the next Term. Accordingly on *Wednesday Feb. 6th*, following, the Defendant appeared; and the Jury were impanel'd; *Joshua Galliard Esq;* and *Mr. Richard Shoveditch*, were challeng'd, by *Mr. Williams*, of Counsel
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for the Defendant, because they were both the King's Menial Servants; the first having some Place in the Forest, the other being a Serjeant at Arms; which Reason, after some debate, the Court declared not Legal, tho the Persons were set aside; so the *Jurors* were,

Sir Charles Gerard, Bar.	John Sharpe, Esq;
Roger Jennings, Esq;	Charles Good, Esq;
Henry Hodges, Esq;	Samuel Rouse, Esq;
Thomas Harriott, Esq;	Hugh Squire, Esq;
Thomas Earsby, Esq;	Nehemiah Arnold, Esq;
William Avery, Esq;	John Bisfield, Esq;

To whom the Indictment being read, the same was opened by Mr. *Holloway*, and Mr. *Attorn. Gen.* And then *James D. of Monmouth* was called, who not appearing, Mr. *Atterbury* swore, that he had left 3 *Subpœna's* for him; one with Mr. *Rawkins* at *Moor-Park*; another with one *Johnson*, the Porter at the *Cock-Pit*; and another with one Mrs. *Manley* at Mr. *Row's* House, who was a Servant to the Duke, in *Pall-Mall*.

Then *William Ld. Howard* was sworn, who depos'd, how the *Ld. Shaftsbury* had communicated to him his design of an Insurrection in the City, and employ'd him several times with Messages to the *D. of Monmouth*; but was disappointed by the unreadiness of the *D. of Monmouth*, and *Ld. Russel* to joyn with him, and thereupon he took himself into *Holland*, where he dyed soon after. Upon which, afterwards, was constituted this Council of Six, of which the Defendant was one, (he relating the Manner how, much after the same

same Manner, as in the preceding Trials he had done) mentioning their Meeting at Mr. *Hambden's* house about the middle of *January*, and about a fortnight after at the *Ld. Kussel's*, where the sending of *Aaron Smith* into *Scotland*, was concluded on, &c.

After which Mr. *Sheriff*, who kept the *Black-Spread Eagle* in *New-Castle*, being sworn, corroborated the *Ld. Howard's* testimony, by deposing that *Aaron Smith* (who then went by the name of *Clerk*, whom Mr. *Atterbury* deposed that he knew, as soon as he was brought where *Smith* was) lodged at his House about the middle of *February* last, and there hired a Guide for him, to shew him the nearest Road into *Scotland*, to *Douglas*; and that he left his own Man at his House till he came again, which was about 12 days, and then he came *Southward*.

Then one *Bell* deposed, that he was the Guide which was hired by *Aaron Smith* (whom also he knew again, when he saw him at the Council-Board) and travell'd with him about 40 Miles beyond *Newcastle*, to *Jadbrough*, within 6 Miles of *Scotland*; and his Horse being tired, Mr. *Smith* hired him another Guide there, and he came back to *Newcastle*; and that he saw him when he came back again, and eat and drank with him at his Inn in *Newcastle*.

Then Sir *Andrew Foster* deposed, that he saw Sir *John Cockram*, Mr. *Monro*, and Sir *George Campbel* the Son, in Town, the beginning of last Summer.

And Mr. *Atterbury* swore, that Sir *Hugh Campbell*, Sir *George Campbell*, *Bayley*, and some others

were taken in *Black-Fryars*, the beginning of *July* last; and that he took the rest in a cunning hole in *Moor-Fields*, who were afterwards sent Prisoners into *Scotland*.

Then the Counsel for the King here ceasing their Evidence, Mr. *Williams* spoke in behalf of the Defendant, and observed first of all, That whereas the *Ld. Howard* was very positive and particular as to some things, yet in what most affected the Defendant, and wherein it concerned them to contradict or disprove him, he was wanting as to that Circumstance of Time of their Meetings. Secondly, That he had not made use of any one Circumstance of Fact in the Case of the Defendant, save only that of *Aaron Smith*. That it appeared (by his intimacy with the Earl of *Shaftsbury's* design) that he was deeply guilty of Treason himself; and being there was a Discovery made before him by others, it concerned the *Ld. Howard* to give an home-Evidence, and perhaps to strain, that he might merit his Pardon, and by exposing this Gentleman, and the Blood of others, secure himself safe.—And also, that he appeared not much to be credited, from his own so often, and so solemn denials of his knowledg of any thing of this Nature; And from his having said lately that the *Ld. Russel* died innocent, and that *Col. Sidney* had hard Measure; And from his saying he could not have a Pardon, till the Drudgery of Swearing was over; And discoursing with one about the Souls Immortality and a future State, his saying thereupon to his Friend, *How long wilt thou persist in this folly? How long wilt thou be so foolishly prevail'd upon,*

upon, as to believe the *World* was ever made, or will ever have an end? These things, that they had witnesses to prove. And that as to *Aaron Smith*, it was not proved that the Defendant was concern'd with him, or with those *Scottish* Gentlemen that came to Town; nor was it proved that *Smith* was in *Scotland*, but only within 6 Miles; And that Mr. *Hambden* could be proved to be a Man of a sober, retired and studious Disposition; and much in *France*, and designed again for *France*, and not likely therefore to be engaged in such Designs of importance. —Proceeding then to call Witnesses.

And first Mr. *Ducas* (the French Man) gave the same Account of what the *Ld. Howard* had said of his Ignorance of the Plot, at *Col. Sidney's* House, as he had done at *Col. Sidney's* Trial.

Then Mr. *Philip Howard* did the like, of what he heard him say, at his Brother's House, as before he had depos'd. Mr. *Edward Howard* was called, but did not appear.

The Earl of *Clare* next gave in his Evidence, upon Oath, as before.

As likewise did the *Ld. Paget*. And after him *Dr. Burnet*, gave an Account of what Protestations he had made him, of his knowing nothing of the Plot; discoursing an hour to dispossess the Doctor of the belief of any such thing. The Doctor being asked his belief now, said he made no doubt of the Assassination.

Mr. *Gisborne* then deposed, that he heard the *Ld. Howard* say, the *Saturday* before he was took into Custody, that he knew nothing of the Plot.

Mr.

Mr. *Blake* then gave in his Evidence, of what the Ld. *Howard* said of the drudgery of Swearing.

Then Witnesses were called to prove Mr. *Hambden*, a Person very unlikely to be engaged in such a Plot, as being a wise, vertuous, retired, and studious Man, and not at all of a turbulent, factious, seditious Spirit, as the Indictment charg'd him to be ; but mild, and peaceable, never expressing any discontent about the Misdadministration of the Government : To which purpose swore the Ld. *Paget*, Mr. *Pelham*, and Sir *Henry Hobart* who had known him in *France* ; and of his intentions to return into *France* with the Ld. *Mountague* about *March* last, for his health ; he coming thence but the *September* before. To which Monsieur *Justell* (a French Man, who spoke by an Interpreter) deposed ; as also Dr. *Lupce*, another French-Man, who had lived with Mr. *Hambden* two Years.

Then Mr. *VWilliams* offered Dr. *Needham's* Evidence, to declare what Opinion the E. of *Essex* had of the Ld. *Howard* ; whence he would infer the unlikelihood of ever his meeting to consult with him. But this the Ld. Ch. Justice would not admit of, though Dr. *Needham* was sworn ; saying, *It seems my Ld. of Essex had such an opinion of the Ld. Howard's Evidence, That he thought fit to cut his own Throat rather than abide the Trial.*

Then Mr. *Murray* was sworn, to depose the Ld. *Howard's* Opinion of the World to come, before mention'd ; which put the Ld. *Howard* into a violent Passion ; and was so pressing upon his
 Repu-

Reputation, that the Evidence was waved.— After which Mr. *Hambden* would have spoke, and Mr. *Vallop*, but Mr. *Williams* would have their Evidence left here.

The *Ld. Ch. Justice* therefore summ'd up the Evidence ; answering the Objections of the Defendant's Counsel ; and directing the *Jury* to bring the Defendant in *Guilty*, upon the *Ld. Howards* testimony thus supported by 4 Witnesses, unless they thought him guilty of wilful and corrupt Perjury. The *Jury* therefore withdrew for half an Hour, and then brought in the Defendant *Guilty* of the Trespass and Misdemeanour whereof he was Indicted.

Upon *Tuesday* following, *Febr. 12th, 1683*, the *Attorn. Gen.* mov'd for Judgment upon this Conviction ; upon which Mr. *Hambden* being ordered to come into Court, the Judgment of the Court was, that a Fine of 40000 *l.* should be set upon him ; That he should be committed till he paid it ; and find Sureties for his good behaviour during Life.

Then Mr. *Williams* prayed his *Bail* might be Discharg'd, which was agreed, he being Committed. And for the High-Treason it was concluded, that he was discharged by the *Habeas Corpus* Act, there being no Prosecution.— Then Mr. *Hambden* was carried away Prisoner by the Marshal.

The Trial of Lawrence Braddon and Hugh Speke Gent. at the King's-Bench Bar, before the Lord Chief Justice Jefferies, on Thursday, Feb. 7. 1683.

THen and there the Defendants, *Lawrence Braddon* of the *Middle-Temple* Gent. and *Hugh Speke* of *Lincolns-Inn* Gent. appeared upon an Information exhibited against them the last Term, by the Attorn. General, for an high Misdemeanour; setting forth, How that the Earl of *Essex* being committed to the Tower, July 12. last, for Treason, and killing himself, as by the Coroner's Inquest did appear; the said Defendants did give out that he was murdered, and conspired to procure certain false Witnesses to prove it: And published in writing, that the said *Braddon* was the Person that did prosecute the said Earl's Murder. To which they then pleaded *Not Guilty*. And now their Jury sworn, were,

Sir Hugh Middleton.
Thomas Harriot.
Thomas Earsby.
Joshua Galliard.
Richard Shoreditch.
Charles Good.

Samuel Rouse.
Hugh Squire.
Nehemiah Arnold.
John Bisfield.
William Wait.
James Supple.

To whom the Information being read, and opened by Mr. *Dolben*, and the Attorn. General. The Warrant of Commitment of the Earl of *Essex*,

Essex, directed to *Thomas Cheek Esq*; Lieutenant of the *Tower*, subscribed *Leolin Jenkins*, and dated July 10. 1683. Together with the Coroner's Inquisition, taken July 14. that the said Earl did murder himself, were produced and read in Court.

After which Mr. *Evans* being sworn, deposed, That Mr. *Edwards*, that very Morning the Earl of *Essex* was kill'd, told him, on the *Custom-house* Key, about 11 a Clock, several Persons standing together, that he was informed from Home, that his Boy had told his Wife, that he being in the *Tower*, saw a Hand throw a Razor out of the Earl of *Essex's* Window.—That on the Monday after his Brother Mr. *Hatsell*, came down along with Mr. *Braddon* to his House at *Wanstead* in *Essex*, and shewed him the Coroner's Inquest: Which having read, he told them what Mr. *Edwards* had before told him of his Son; saying, it seemed to contradict that Paper, which says the Razor was found lying by the Earl's Body.—That afterwards, July 17. Mr. *Edwards* and Mr. *Braddon* came to him to *Smith's* Coffee-house; and Mr. *Edwards* told him, that Mr. *Braddon* had then been at his House to examine his Son about seeing the Razor. Whereupon he told them, that he had read the Coroner's Inquest in print, and it was otherwise declared there, and therefore desired there might be no discourse of any such thing, for he did not believe it; desiring Mr. *Braddon* to forbear meddling in any such thing, Mr. *Edwards* being a poor Man, and having divers Children, might be ruined, and he might ruin there-
by

by himself too. [The Ld. Ch. Justice's endeavouring to baffle this Witness, by making him repeat his Evidence so often, and dodging him with Questions, and wilfully misunderstanding him, deserves a remembrance.]

Next him Mr. *Edwards* was sworn, who deposed, That *July* 13. 1683. his two Sons going to *Merchant-Taylors* School together in the Morning as they used to do, and by the way hearing the King was in the *Tower*, the younger of them, *William Edwards*, about thirteen Years old, gave his elder Brother the slip, and went into the *Tower*, and there rambled till about 10 a Clock ; when he came home, and told one of his Sisters that the Earl of *Effex* had cut his Throat, and that he saw an Hand throw a Razor out of the Window ; and a Maid, or Woman, came out of the House, in a white Hood and stuff Coat, and took it up and went in again, and then he heard a noise as of Murder cried out.—That he being at the Custom-House, and hearing of the News of the Earl of *Effex's* Death, his House being near, he stepped Home about 10 in the Morning, and then his Family informed him of what the Boy had said ; and at Dinner he examin'd the Boy, and found he agreed with the Report of his Family, and confirmed it.—That he did not speak of what his Son had reported till he had been at Home ; (which the Court would have made a mighty Contradiction of, because Mr. *Evans* deposed that he was so informed *from Home* ; as if some one had brought him the Report from Home, and not he himself been at Home for it ; and
for

for which the Ld. Ch. Justice shamefully upbraided and slandered him, notwithstanding he very pertinently answered him, that he had not lived these 39 Years at the *Custom-house* without Honesty.) That he never knew nor saw Mr. *Braddon* before July 17.

Then Mr. *Edwards* his Son being called, he charged him to speak the Truth; whereupon the Ld. Ch. Justice bid the Boy turn about, and say, Father, be sure you say nothing but the Truth.—Being sworn, the Boy deposed, That Mr. *Braddon* took his Information in his Father's Parlour, writing down what he told him, concerning what he had seen; that he took his Brother into the *Tower*, and shewed him the Place where he said he had seen the Razor thrown out of the Window. That after the Writing was finished, Mr. *Braddon* read it to him, and he own'd it all for Truth; but refused at first to sign it because he said it was false, and he fear'd some Danger in it; Mr. *Braddon* therefore would have had his Aunt to have signed it; but he telling him there was no harm in it, he signed it. And the Information being shewn him, he owned that was the Paper, and his Hand; but swore it was false, and that he saw no Razor.

Whereupon the Ld. Ch. Justice cried out;
“What a Dust has such a trivial Report made
“in the World! Admit that the Boy had said
“any such thing: What an Age do we live in,
“that the Report of every Child should blow
“us up after this rate! It would make a Body
“tremble to think what a sort of People we live
“among

“among : To what an Heat does Zeal trans-
 “port some People, beyond all Reason and So-
 “briety ? If such a little Boy had said so, ’twas
 “not an half-penny matter ; but presently all
 “the Government is to be Libell’d for a Boy ;
 “which whether he speak true or false is of no
 “great weight ; and he swears ’tis all false.

Then *Thomas Hawkins* (the Son of Dr. *Hawkins* of the *Tower*) being sworn, deposed, That he saw *William Edwards* in the *Tower*, *July* 13. and went with him round the *Tower*, looking upon the King while he was walking ; who going into the Constable’s House, they went with other Boys to play, and afterwards he went Home ; and then soon after the Rumour of the Earl of *Essex*’s Death coming, he with his Father stood before the Window, and *Edwards* came to him, and there they stood looking up for an hour or two at the least, and then they went out of the *Tower* together ; and that he was sure there was no such thing as a Razor thrown out of the Window.

Upon this the Attorn. General said to the Ld. Ch. Justice, That his Lordship saw what a fine Case this was, and how all this Noise and Bustle has come to be made in the World. That the Rumor first did arise in a Fanatick Family, and was propagated by that Party. Ay (said Mr. *Jones*) ’tis easily known whence it came.

Mr. *Blathwait* was then sworn, who informed the Court, That on *July* the 20th, Mr. *Braddon* brought this *Edwards* to *White-hall*, where the Boy denied, before the King, that the Matter contained in the Information was true ; and
 said

said, it was only a Lie he invented to excuse himself for having play'd Truant that day. After this that Mr. *Braddon* did nevertheless pursue this Business.—He attested also Mr. *Speke's* Letter, and that he owned before the King and Council.

Then Mr. *Mon-Stevens* deposed, That about five or six days after the Earl of *Essex* had murdered himself, he saw Mr. *Braddon*, with a young Man and a Boy, at the Lord *Sunderland's* Lodgings; and that he told him he came from Sir *Henry Capel* (who not being well could not come himself) with an Information relating to the Earl of *Essex's* Death. The Information he gave him to read, and then went with him to the Lord *Sunderland*, who took the Information; and afterwards Mr. *Braddon* was committed in Custody, and the thing was brought before the Lords of the Council.

Then Sir *Henry Capel* was called, to know if he employed Mr. *Braddon* in this Business; who deposed, That he knew very little of Mr. *Braddon*, but that he had been with him twice; and speaking to him of this Business, he desired him to acquaint the Secretary of State with whatever he had to say of it, to which he seemed very willing.

Then one Mr. *Beech* deposed, That he was present when Mr. *Braddon* was apprehended in *Wiltshire*, and several Papers found upon him, (Copies whereof he deliver'd into the Court) and upon Examination committed to the County Goal, and from thence removed by *Habeas Corpus* hither up to *London*; That he then told

them his Business was to enquire after the Earl of *Essex's* Murder; and that one Mr. *Burgis* of *Marleborough* had writ him a Letter, that one *Compton*, Post-Master at *Frome*, could inform him that the News was at *Frome* that very day the Murder was committed. But the Witness said he had been with this *Compton*, who denied it, and told him they had no News of it till Sunday following: And the Lord of *Weymouth*, who lives near *Frome*, told him, that he had an account of it on the Sunday; and he believed that was one of the first Letters of it that was in the Country.

Then the Papers were read in Court, which were found about Mr. *Braddon* at his Apprehension. The first was a Letter, subscribed *Hugh Speke*, and dated *London, Lincolns-Inn, Aug. 15. 1683. Wednesday Night, 10 a Clock*, and directed, For the ever Honoured Sir *Robert Atkins* Knight of the *Bath*, at his House at *Netherswell* near *Stow* on the *Old* in *Gloucester-shire*. [Which because it was the only thing that engaged Mr. *Speke* in this Trouble, the Reader is presented with a Copy of it, intire and not abridg'd.]

Honoured Sir,

THE Bearer hereof is one Mr. *Braddon*, a very honest Gentleman, whose Father has at least 800 l. per Ann. in *Cornwall*; It seems it is his Fate to be the only Person that follows, and prosecutes the Murder of the Earl of *Essex*, and he has made a very considerable discovery already of it, notwithstanding the hard Stream he rows against as things stand and are carried on at present. But indeed,

I think it could never have fallen on so fit a Man, for he has been a very hard Student, and is a Person of a very good Reputation, Life, and Conversation, and has a great deal of Prudence, and has as much Courage as any one living whatsoever. He went away on a sudden hence Post towards Marleborough to make some further Discovery, and what he has discovered he will give you a full account of, and of all the Transactions hitherto about it. I lent him my Manto to go with him for fear he should come to any Mischief, for most here fear, that he will be either stabb'd or knock'd on the Head, if he do not take great care of himself; And seeing he came into these parts, I thought it not amiss to go and advise with you how he had best to proceed in it, and I did charge him not to let any Body know who he was, that it might not be known that he had been with you; For I would not for the whole World that you should come to any prejudice in the least for your kindness towards us; For we labour under many Difficulties as the Tide runs at present.

Pray call Mr. Braddon by the Name of Johnson when he is with you, I have given him the same Item. We hope to bring on the Earl of Essex's Murder on the Stage before they can bring any of those in the Tower to a Trial. He being in great haste, I have not time to write more, but to assure you that Mr. Braddon is a Person of that Integrity and Courage, that no Body needs fear to trust him. I was very willing that he should take your Advice in this Case, which is of so great a moment, seeing he came within 20 or 30 Miles or thereabouts of your House. He will give you a full and clear Relation of every thing in that Affair; and how hard

they have been upon him. Sir Henry Capel told him, that it was a thing too great for him, &c. All which Mr. Braddon (that you are to call Johnson whilst he is with you at your House) will give you a true Relation of. Mr. Braddon hath been at a great trouble and charge already about it; I know few that would have ventured to have undertaken this Affair besides himself as Times go. I received yours this Day, with the great pains you took, and the Letter to the Lady Russel, which finding unsealed, I sealed without looking into it, and carried it myself; she returns you ten thousand Thanks, and says, she knows not what return to make you for your most extraordinary kindness. I have not time to write any more at present, by reason that Mr. Braddon, alias Johnson, stays only for this my Letter. I am Sir,

Your most obliged Friend, and

I am writing a Letter
to send to you by
the Carrier.

most humble Servant,

Hugh Speke.

Upon the reading of this, a Gentleman appear'd from Sir Robert Atkins, to assure the Court that he never had the Letter, nor knew any thing of it, and to desire therefore there might be no Reflections cast upon him.

The Attorney General repli'd, 'twas an unhappy thing to be thought well of, by such sort of People.

Then the Information of Mts Edwards of what her Son had said. And the Boy's Information.

mation. As also another of *Jane Lodeman*, concerning the same Matter ; and of one *Mr. William Glasbrooke* to attest it ; and *Mr. Burgis's* Letter to *Cumpen*, were read ; all which Papers were found on *Mr. Braddon* when he was took.— And here the Evidence for the King ceas'd for the present.

Then *Mr. Wallop* and *Mr. Williams*, of Counsel for the Defendants, opened their Evidence ; and called one *Lewes* of *Marleborough*, who refused to be sworn until *Mr. Braddon* had paid him his Charges ; and then he deposed, That between the Hours of 3 and 5, riding up *Husband*, within three or four miles of *Andover*, on Friday (the day before the News came to *Marleborough*, and on that very day the Murder was said to be done) a Man told him, that he had heard that the Earl of *Essex* had cut his throat.

Then *Mr. Fielder*, a Shop-keeper in *Andover*, deposed, That it was the common discourse among Women that came in and out of his Shop, and up and down the Town, on Wednesday and Thursday, preceding the Saturday whereon the certain News came (which was before the thing was done) that the Earl of *Essex* had cut his Throat in the *Tower*.

But because the Witness could not fix the Report upon any particular Person, the *Ld. Ch. Justice*, cried out, It was a Contrivance to deceive the King's Subjects, and shew'd a Design to pick up Evidence to amuse the Unwary, and fill their Heads with Fears and Jealousies of he knew not what.

Then Mr. *Braddon* desired to make his own Defence, and called Mr. *Edwards* again, who deposed, That the first time his Son denied the Report was *July 17.* after Mr. *Braddon* came to examine him.

Then Mrs. *Edwards* deposed, what the Boy had told her of the Razor, and that he wept when he told it her, but after Mr. *Braddon* had been at their House, his Sister telling him when he came from School, that a Gentleman had been to inquire about what he had said, and intimating to him some danger, bidding him to say the Truth, and not tell a Lie to save his Breech, he then denied it ; and this was before he signed Mr. *Braddon's* Paper, and he knew of his denial.

Then *Sarah Edwards*, her Daughter, deposed likewise what her Brother had said, but said, she knowing him apt to tell Lies, did not believe him.

That on Tuesday following, after Mr. *Braddon* had been there, and she had told her Brother of it, he apprehending some danger, did deny it ; and in the Afternoon Mr. *Eraddon* coming again, knew that he had denied it ; upon which he talk'd to the Boy, and told him the danger of Lying, and bid him speak the Truth, &c.

And on Wednesday Mr. *Braddon* coming again, the Boy then owned it again, and he writ down what he owned, and said he would be carried to *Sir Henry Capel*, and the Lady *Effex*.

The Next day Mr. *Braddon* came again, with another Paper written, to which the Boy, something unwillingly set his Hand.—But Mr.

Braddon

• *Braddon* asking her, what her Brother's Answer was to him, when he asked him, why he had denied it? she said, she could not recollect that; though she confess'd the Boy ran to his Mother, and cried out, he should be Hang'd; and that he was told that his Father would be in danger of losing his Place, and the Family ruin'd.— But Mr. *Wallop* then asking her, if she did not tell him, the King would hang his Father if he did not deny it? The Ld. Ch. Justice, instead of suffering her to Answer, not only upbraided that ancient learned, and worthy Gentleman, as if he intended to charge the King with a Design of hanging Men, if they denied not the Truth; but having huffed and hector'd him, did threaten him with the Animadversion and Correction of the Court for reflecting upon, and aspersing the Government; telling him, he was impetuous in the worst of Causes. And there was such a heat in this Cause, he wondred whence it should come, he was sure Not from the Honesty of it.— But old Mr. *Edwards*, being asked, that the Boy own'd that it was Fear and Discouragement through his Sister's Threats, was the Cause of his denying it.

Then Mrs. *Ann Bart*, depofed, That she was present, and Mr. *Edwards*, when Mr. *Braddon* took the Examination of the Boy; and that she heard the Boy own what he had said; and that his Mother told her, that the reason of his denying it before, was, because his Sister had been talking to him. But the Ld. Ch. Justice would not permit her to go on with such Hear-says, and so broke off her Evidence.

Then *Jane Lodeman*, a Girl of 13 Years old, was sworn, and deposed, That she being in the Tower, July 13 last, between 9 and 10 a clock, did see a Hand throw a bloody Razor out of a Window, which she was told belonged to the E. of *Essex's* Lodgings; and she heard either two Shrieks or two Groans presently after: That the Razor fell within the Pales; and she saw a Woman in a White Hood come out, but did not see her take it up. Then the *Girls Information* which Mr. *Braddon* had took from her, was shewed, wherein was, that she heard a Soldier call for some Body to come out and take up a Razor; but she say'd she does not know the Soldier was there, and she heard no Body speak to the Maid; And that she had no knowledge of *Young Edwards*.

Then *Margaret Smith* was sworn, who was very shy of speaking; any more than that, (she being the *Girls Aunt*) the Girl told her what she had seen; and that Mr. *Braddon* came afterwards and took her Information.

Then one *William Glasbrooke*, living in the same House with *Lodeman*, deposed, That he being up two pair of Stairs when the Girl came in from the Tower, did hear her telling what she had seen to her Aunt, and that her Aunt chid her for it, but she said she was sure it was true; That he had before that time taken her in a Lie, and thought her a lying Girl.

Then *William Smith*, a Barber in *Throgmorton-street*, deposed, That he went along with Mr. *Braddon*, and was present, when he took the *Girls Information*, and that she then did say, She heard

heard a Man say to them in the House, *Here is a Razor*; which was all he remembered as to that particular. The *Information* was then shew'd him, and he own'd his Hand, and said he did read it over, and it was nothing but what the Girl said, he was sure.

[But because he had not repeated all about the *Souldier*, the Ld. Ch. Justice, told him he was a Notable shaver upon his Word! A special Fellow I'de warrant him!]

Then Mrs. *Mewx* was sworn, who would have deposed, That she travelling into *Berkshire*, July 12. the day before the Earl of *Essex's* Death, her Daughter then told her in the Coach, how she had heard it reported, That one of the Lords committed for the late Plot had cut his Throat in the *Tower*; But the Daughter being with Child, and near her time, and therefore not daring to venture abroad, much less into the Court, the Ld. Ch. Justice would not suffer the Mother to be examin'd, though sworn; alledging, That because she could not depose on her own Knowledge, it was no Evidence, and therefore against all Judicial Forms to admit it. But Mr. *Wallop* replied, *It was Evidence there was such a Talk.*

Then Mr. *Jeremiah Burgis* deposed, That he being at *Frome*, July 13. did hear it reported in his Inn, that the Earl of *Essex* had cut his Throat in the *Tower*, and that Mr. *Braddon* coming afterwards to *Marleborough* to examin him about it, he did write that Letter to *Frome*, and gave it Mr. *Braddon* to carry; and that through a mistake he writ the 6th of *July* instead of the
13th,

13th, (which was the Day whereon he heard the Report) but, upon Mr. *Braddon's* observing it, he presently mended it.

[Upon which the Ld. Ch. Justice presently call'd it a Juggle, not sparing his Affronts and Discouragements while he was delivering his Evidence; the Attorney General pritty well seconding him.]

After this Mr. *Thompson* moved for his Client Mr. *Speke*, as not being concern'd in this Business, either before or after, any otherwise than by that Letter.

And Mr. *Speke* desiring leave to speak for himself, related the whole Passage, how he came to lend Mr. *Braddon* (being his acquaintance) his Man and Saddle, and to recommend him by Letter; which he writ to have him take good Advice in what he did; and that it was late at Night when he writ, and had been drinking, and might not so well consider what he did.— But for all that, Mr. Attorney General said that his Letter was ten times worse than what Mr. *Braddon* had done. But the Ld. Ch. Justice said, He would not have Mr. *Braddon* topped upon; nor suffer such a Reflection on him, that any Man should be a greater Actor in this Business than he.

Then the Attorney General proceeded to the Proof of the Earl of *Essex* Murdering himself; which the Ld. Ch. Justice said was necessary to satisfy the World; though to a discerning Eye there was enough given from this Day's Evidence, to make it appear a most Malicious and Scandalous Contrivance, to hawk about
“for

“for every idle Rumor, to pick up Children of
 “such Tender Years, and make them swear
 “any thing to serve a Turn.

Then *Paul Bomeney* was sworn, (the Earl of *Essex*’s Servant) who deposed, That his Lord having long Nails, asked for a Pen-knife; and on the Thursday, he sending the Footman for other Things to the Steward, he writ a Line at the end of a Note, that he should send a Pen-knife. — That the Footman brought the other things, but not the Pen-Knife, because the Steward sent word he had none, but would send one the next Morning; so early in the Morning the Footman was sent again with another little Note for Provisions, and a *Memorandum* for his Lord’s Pen-knife. But his Lord ask’d him for the Pen-knife before the Footman return’d; and not having any, he ask’d him for one of his Razors, which he fetch’d and gave him, and wherewith he saw him walking and picking his Nails; and that then he went out and left him, and was talking with the Warder; and looking out of the Window upon the King, who was then in the *Tower*; and in this time the Footman return’d with the Things, and deliver’d him the Pen-knife, and a Note from Mr. *Billingsley* the Steward to shew his Lord; which he coming up to do, found no Body in his Lordship’s Chamber; so thinking he might be in the Closet, in which stood a Close-stool, he came down again, and stayed till he supposed his Lord might be come out. Then he went up again, and seeing no Body in the Chamber, and the Closet Door still shut, he knocked three times at
 the

the Door, and called on his Lord ; but no Body answering, he looked through the Chink of the Door, between the Door and the Wall, and saw Blood, and a little part of the Razor : That then he called to the Warder, and the People of the House, who came and found his Lord kill'd, lying all along on his Side, and his Foot against the Door, which (opening into the Room) could not be opened easily, nor very far ; which the Warder push'd at, and the Razor lay by his Side.

Then Mr. *Russel*, the Warder, deposed, That he heard my Lord ask *Bomeny* for a Razor, and saw him give him one ; and that none came up to my Lord's Chamber while *Bomeny* was below ; that *Bomeny* coming up, and making a noise, he ran to him, and opened the Closet-Door, the Key being on the Out-side, and there saw my Lord lie in his Blood, and the Razor by him.—Saying, that the Window was towards a back Yard ; —that there was no Light, nor Passage towards the Street into Capt. *Hawley's* House (where was the Earl of *Essex's* Lodgings) but one Door that goes out from the Entry to go into the Yard.

Then one *Lloyd*, a Sentinel, deposed, That he stood at the Street Door that Morning, and he saw no Body come into the House, nor no Coach stand at the Door, nor no Maid go out in a white Hood, nor no Razor thrown out at the Window, nor did he cry out to any Body ; nor was there any other Souldier there but himself.

That Capt. *Hawley* deposed, how he saw my Lord in his Blood.—That the Casement won't open far, (the House having settled) and is so low

low, and the Pales nine or ten foot high, that it is impossible for any one to throw any thing out of the Window to be seen ; and that it was one of the horridest and unlikeliest Reports that ever was heard of.

Then Mr. *Spekes* Servant was sworn, who related the surprize of his sudden Journey ; but that Mr. *Braddon* having got another to go with him, he came back to his Master again.

Then the Ld. Ch. Justice asked the Defandants what they had more to say ? Mr. *Braddon* refused to say any thing. Mr. *Speke* urged his Innocency of conspiring with Mr. *Braddon* ; that his being concerned, was but accidental, and a surprize to him ; and that what he did, was neither designedly, nor with any ill Design. Then Mr. *Braddon* desired the Jury to take notice, that there had been nothing proved of evil Practises used by him, to perswade these Witnesses to testify a Falshood, and desired them to take no other notice of any thing that had been, or should be spoken, but what had been proved.

Then the Ld. Ch. Justice sum'd up the Evidence, representing the Crime very odiously, " as carrying all the Venom and Baseness, the " greatest Inveteracy against the Government " that ever any Case did that he ever met with. " Insinuating, That because the King and the " Duke were walking in the *Tower* that day, and " near that time when this unfortunate thing " happened, now it must be whispered, as tho " the King and the Duke had designed this Murder. — And that there was *Digitus Dei* in this " Acci-

" Accident, and it was enough to satisfy all the
 " World of the Conspiracy, &c.

After he had finish'd his long Speech, full of
 such-like Expressions, the Court arose, and the
 Jury afterwards gave in a private Verdict, which
 the next Morning was repeated in Court, and
 recorded. And by that Verdict they found Mr.
Braddon Guilty of the whole Matter charged
 upon him in the Information; and Mr. *Speke*
 Guilty of all but the Conspiracy to procure false
 Witnesses, and of that they found him Not
 Guilty.

And on Monday, April 21. 1684. the Defen-
 dants being brought to the Bar, their Counsel
 moved in Arrest of Judgment; but Judgment
 being recorded, it was too late, and not admit-
 ted, though it was before by consent agreed for
 the Defendants this day to move.

Then after Mr. Justice *Withens*, and the Ld.
 Ch. Justice had severely upbraided Mr. *Braddon's*
 Impudence, because he shewed no sorrow; but
 still protested his Innocency; and having con-
 sulted about the Sentence, Mr. Justice *Withens*
 pronounced it, first aggravating Mr. *Braddon's*
 Crime, as if he had endeavoured to make the
 King concern'd in the Murder; and would infi-
 nue a Sham-Plot to take away Innocent Pro-
 testant Lives; telling, the Court, for this Offence,
 set upon Mr. *Braddon* the Fine of 2000 *l.* and
 order that he find Sureties for his good Beha-
 viour during Life, and that he be committed till
 this be performed.

And

And for Mr. *Speke* (whom they had considered not so Guilty) they thought fit to set upon him the Fine of 1000 *l.* and that he find Sureties for his good Behaviour during his Life, and be committed till he perform it.—After which they were carried away to the *King's Bench*.

*The Trial of Sir Samuel Bernardiston Bar.
before the Lord Chief Justice Jefferies,
at Guild-Hall, London, on Thursday,
Feb. 14. 1683.*

Then and there the Defendant appeared for his Trial, upon an Information preferred against him in *Hillary* Term last, for a High Misdemeanour, in Scandalizing and Vilifying the Evidence in the late Plot, in several Letters, &c. To which he had pleaded *Not Guilty*. And the Jury now sworn were,

Thomas Vernon.

Percival Gilburn.

Edward Boverly.

William Withers.

James Wood.

Robert Masters.

Samuel Newton.

George Torriano.

Kenelm Smith.

Thomas Goddard.

Thomas Amy.

Richard Blackburn.

To whom the Information being read, Mr. *Poultney*, Mr. Recorder, and Mr. *Herbert* (being of Counsel for the King in this Cause) opened the same.

And

And then to prove him the Author, Mr. *Blathwayt* was sworn, who deposed, That Sir *Samuel Bernardiston* upon Decemb. 10. last did, before the King and Council, own three of the Letters there in Court to be of his own hand-writing; Nor did he deny but that he had publish'd and sent them.

Mr. *Atterbury* deposed, That he also heard him then own three of the Letters to be written by him; and that they were superscribed by one of his Servants, and so ordered to be sent to the Post-house. And that while he was in his house, he heard him say, he wondered how they were taken, since they were sent to Sir *Philip Skippon*.

Then *Nehemiah Osland* deposed, that he superscribed two of them Letters by Sir *Samuel's* Order as his Servant; and that he wrote one of the four, out of a Copy given him by his Master, and writ by him to go into the Countrey; and then (as was usual) left them in a Window to be carried to the Post-house.

Then the four Letters were read: the first was that transcribed by *Osland*, directed to Sir *Philip Skippon* Kt. at *Ipswich*, and dated Novemb. the 29, 1683:

" Sir, The Return of the D. of *Monmouth* to
 " *White-hall*, and his being received into extra-
 " ordinary favour of his Majesty, hath made a
 " strange Alteration of Affairs at Court: For
 " those that before spake of him very indecent-
 " ly, now court, cringe and creep to him. His
 " Grace complained to the King of the scanda-
 " lous Misrepresentation that was made of him
 " in

“ in the Monday’s Gazette, upon which the Gazetteer was called to account for it, who acknowledged for himself, that a Person of great Quality sent him in Writing the Words therein recited, commanding him to put them in the Gazette.

“ Yesterday, being the last day of the Term, all the Prisoners that were in the Tower, upon the late Sham-Protestant-Plot, were discharged upon Bail. Mr. *Braddon* (who prosecuted the Murder of the E. of *Effex*; the Information put in against him in the *Kings-Bench* by Mr. Attorney, for a pretended Subornation, &c.) was not prosecuted, and his Bail was discharged. And the passing Sentence upon the Author of *Julian the Apostate*, and the Printer of the late *Ld. Russel’s* Speech, was passed over with Silence. Great Applications are made to his Majesty for the pardoning Mr. *Sidney* in the Tower, which is believed will be attained, and that he will be banished.

“ The *Ld. Howard* appears despicable in the Eyes of all Men; he is under a Guard at *White-hall*, and believed he will be sent to the Tower, for that the D. of *M.* will accuse him concerning the Testimony he hath given, &c.

“ The Papists and high Tories are quite down in the Mouth, their Pride is abated, themselves and their Plot confounded, but their Malice is not asswaged. ’Tis generally said the E. of *Effex* was murdered; the brave *Ld. Russel* is afresh lamented. The Plot is lost here, ex-

“ cept you in the Country can find it out a-
 “ mongst the Addressors and Abhorrrers.
 “ This sudden turn is an Amazement to all
 “ Men, and must produce some strange Events,
 “ which a little time will shew.

The second Letter was then read, directed as
 the other, and dated *Decemb.* the 1st, 1683.

“ Dear Sir, I am to answer yours of the 27th
 “ and 29th past, and truly I cannot but with
 “ great Sorrow lament the loss of our good
 “ Friend honest Mr. *John Wright*, but with Pati-
 “ ence we must submit to the Almighty, who
 “ can as well raise up Instruments to do his
 “ Work, as change Hearts, of which we have
 “ so great an Instance in the business of the D.
 “ of *Monmouth*, that no Age or History can pa-
 “ rallel. I am now thoroughly satisfied, that
 “ what was printed in the Mondays Gazet, is
 “ utterly false, and you will see it publicly so
 “ declared shortly. The King is never pleased
 “ but when he is with him, hath commanded
 “ all the Privy Council to wait upon him, and
 “ happy is he that hath most of his Favour.
 “ His Pardon was sealed and delivered to him
 “ last *Wednesday*! 'Tis said he will be restored
 “ to be Master of the Horse, and be called into
 “ the Council Table, and to all his other places.
 “ And 'tis reported he will be made Captain
 “ General of all the Forces, and Ld. High Ad-
 “ miral, &c. He treats all his old Friends
 “ that daily visit him, with great Civilities;
 “ they are all satisfied with his Integrity, and if
 “ God

“ God spares his Life, doubt not but he will be
 “ an Instrument of much good to the King and
 “ Kingdom. He said publickly that he knew
 “ my *Ld. Russel* was as Loyal a Subject as any in
 “ *England*, and that his Majesty believed the
 “ same now. I intend shortly to wait on him
 “ my self. It would make you laugh to see how
 “ strangely our high Tories and Clergy are mor-
 “ tified, their Countenance speak it. Were my
 “ Shesorary to be moved for, now it would be
 “ readily granted. Sir *George* is grown very
 “ humble. ’Tis said Mr. *Sidney* is reprieved for
 “ 40 days, which bodes well.—Mr. *Kedder*
 “ sat with me sometime this Evening.— There
 “ being no more in the Record.

The third Letter was then read, which was
 directed for Mr. *Edward Gael*, Linnen-Draper
 at *Ipswich*; and dated *Decemb. the 1st, 1683.*

“ Mr. *Gael*, This Evening Mr. *Kedder* came
 “ and sat with me, when I acquainted him what
 “ you and others writ me in reference to him-
 “ self, as also of the Death of Mr. *Wright*,
 “ which he was sorry for. He protested, if he
 “ could perswade his Wife, he would accept
 “ of *Ipswich* choice, notwithstanding all the
 “ Discouragement he had met with. One more
 “ he acquainted me with, that had seen a Let-
 “ ter from Mr. *Cutliffe* to Dr. *Clegat*, extream-
 “ ly discouraging him from coming to *Ipswich*,
 “ where if he did come, said, would find him-
 “ self mistaken, for that would never enjoy
 “ Quietness or Peace, notwithstanding his Balsa-
 “ mick

" mick Temper, &c. as he call'd it. These
 " things frights Mr. Kedder, who I am now per-
 " swading, so soon as he is up again, to go down
 " for a Month or two, and then if he doth not
 " like the Place and People, he may return hi-
 " ther again. This I resolve to press hard on
 " Monday, when have promised to dine with me,
 " as also Mr. Hodges. Be confident, I shall
 " think nothing too much to effect this Business,
 " though one or other still pulls down as fast as
 " I build up. Here is now a door of Incou-
 " ragement opened for sober Men to come into
 " publick Employment. You will undo the
 " Town of Ipswich if you bring not sober Men
 " into play: For God's sake consider of it.
 " Perswade Mr. Snelling, or some sober Men, to
 " come in their two Ports-mens places void;
 " for other matters I refer you to Sir P. The
 " late change here in publick Affairs is so great
 " and strange, that we are like Men in a Dream,
 " can hardly believe what we see, and fear we
 " are not fit for so great a Mercy as the present
 " Juncture seems to promise. The E. of Mac-
 " clesfield is bringing Actions of Scandalum Mag-
 " natum against all the Grand Jury-Men that in-
 " dicted him at last Assizes: And the several
 " Gentlemen that were indicted in Cheshire and
 " Northamptonshire, will bring their several Acti-
 " ons at Law against them. Acquaint Mr. Snel-
 " ling we received the two Barrels of Oysters,
 " and two couple of Ducks, and desire him to
 " take Mony of Buckle for them.

I rest Yours, &c.

The

The 4th Letter was directed to Mr. *William Cavell*, at *Brightwell* near *Ipswich* in *Suffolk*, and dated *London*, *Decemb.* the 4th, 1683. Only that part of it was read which was in the Record, and that was this :

“ Contrary to most Mens Expectations a
 “ Warrant is signed at last for beheading Col.
 “ *Sidney*, at *Tower-hill* next *Friday*. Great En-
 “ deavours have been used to obtain his Pardon,
 “ but the contrary party have carried it, which
 “ much dasheth our hopes, but God still governs.
 “ Acquaint *Buckle* here is no News of *Craſton*
 “ *Hoy*, notwithstanding the Wind is fair, 'tis
 “ his Practice always to loiter by the way.

I rest,

Your Loving Friend, &c.

To this Mr. *Williams* (of Counsel for the Defendant) pleaded, that the Letters had no name to them ; nor was there any Proof of their being published ; no more than that Sir *Samuel* did not deny the publishing of them, and own'd they were sent to the Post-house ; which being directed to a private Friend, he left it to the Judgment of the Court, whether that was publishing a Libel. That there was no malice proved, to which the *Ld. Ch. Justice* replied, that the thing was Evidence it self, &c. Then Mr. *Williams* observed that Records had been mention'd in the Information, but not prov'd ; [which not being in Court ; they were sent for,

and the Jury were set by ; the Court going on in some other Causes, and about an hour and half after, the Records were brought, and this Cause was resumed] and Mr. *Tindal* being sworn, put in the Records of the Attainder of the *Ld. Russel*, and *Col. Sidney* ; part whereof was read ; and the Counsel for the Defendant having no more to say, the *Ld. Ch. Justice* summ'd up the Evidence, with great Bitterness ; declaring the
 “ Letters were factious, seditious, and malicious,
 “ and as base as the worst of Mankind
 “ (though he had all the Provocation that ever
 “ could be given a Man to libel another) could
 “ ever have invented.—And that they tread very
 “ near upon the Borders of High-Treason it
 “ self.—Calling it *Cozen-German* to *High-Treason*,
 “ &c.—After which the Jury laid their Heads together in the place where they stood, and being presently after agreed upon their Verdict, The Foreman gave it in, That the Defendant was guilty of the Misdemeanour charged on him by the Information.

The Sentence of Court was, That he should pay to the King a Fine of 10000 *l.* and find Sureties for his good Behaviour during Life, and to be committed till the same be performed.

The Trial between Sir William Pritchard Kt. and Alderman of the City of London, Plaintiff, and Thomas Papillon Esq; Defendant; in an Action upon the Case, at the Sessions of Nisi Prius, holden for the Court of Kings-Bench at the Guild-hall in the City of London, on Thursday the 6th of November, in Michaelmas Term, in the 36th Year of the Reign of King Charles the Second, 1684. Before Sir George Jefferies Kt. and Baronet, then Lord Chief Justice of the said Court of Kings-Bench.

SIR William Pritchard, late Lord Mayor of the City of London, having in *Easter Term* last, brought an Action upon the Case, for falsely, maliciously, and without probable cause procured him to be arrested and imprisoned in his Mayoralty, against *Thomas Papillon Esq;* The Defendant pleaded *Not Guilty*, and thereupon issue being joined, it came this day to be tried before the Lord Chief Justice *Jefferys*; and the Jury sworn to try this Cause were these:

*Bartholomew Ferryman,
Thomas Blackmore,
Thomas Symonds,
William Whatton,
John Green,
Thomas Amy,*

*Joseph Baggs,
Daniel Chandler,
John Reynalds,
John Allen,
Joseph Caine,
William Withers, jun.*

Then Mr. *Munday* (being of Counsel for the Plaintiff) opened the Case, to which Mr. Attorney General added something. And then Mr. Solicitor General called Mr. *Keeling*; who being sworn, deposed, That on *April* the 24th, he being sent for by a Letter from Mr. *Goodenough*, came to Mr. *Russel*'s, a Cooks-shop in *Iron-monger-lane*, to meet him, where were 30 or 40 Persons together. By whom, while he was gone for a little while, his Name was put into a Warrant, to be a special Bailiff to arrest the Lord Mayor; which he seeming unwilling to do, was urged thereto, for fear of displeasing the Discontented Party; (which he said were such as he and the *Goodenoughs* were of, even such as would have killed the King and the Duke) that being prevailed upon, he went along with the Coroner, Mr. *Burton*, and Mr. *Francis Goodenough*, to *Grocers-hall*, where Sir *William Pritchard* kept his Mayoralty, to whom the Coroner came up and said he had a Warrant against him, and therefore pray'd him to give an Appearance at the Suit of Mr. *Thomas Papillon*, and another at the Suit of Mr. *John Dubois*, whereupon some Words passed between them and the Lord Mayor, refusing to give any Appearance, the Coroner bid us execute our Warrants, upon which he came up to the Lord Mayor, and touched him upon the Shoulder, telling him, that he did arrest him at the Suit of *Thomas Papillon*, Esq; and one *Ferdinando Burley* arrested him then again at the Suit of Mr. *John Dubois*; and then the Coroner dismissing them, and taking the Lord Mayor into his own Custody, he went thence

to Sir Henry Tulse's, and arrested him also.

Then Sir Henry Tulse being called and sworn, deposed, that about four a Clock in the Afternoon, Mr. Keeling came with two more to his house, and arrested him at the Suit of Mr Papillon, and another of them did the same at the Suit of Mr. Dubois, telling him, if he would not give Appearance, he must go to the Lord Mayor, who was at Skinners-hall, but that they would take his word till the Morrow Morning. However he immediately went to the Lord Mayor's-house, and not finding him at home, he went to Skinners-hall, where he found him all alone, and no Alderman, only the Officers with him, where he had been but a little while, but was detained, and he with him, till about eleven a Clock; abundance of People being gather'd together about the Door, but a Company of the trained Band-Souldiers coming, kept all quiet.

Then Mr. Wells, the common Cryer, was called and sworn, who deposed, That he being in the next room to the Hall, wherein the Lord Mayor was arrested, was presently sent for to my Lord, who bid him send out the Officers to summon a Lieutenancy, which he did; and the Sword-Bearer being not just then at hand, the Lord-Mayor bid him take the Sword, and go along with him; and so they were carry'd by the Coroner to his own house, and the Lord-Mayor put up into a little Room by himself; and he commanded by him to go and see for Sir James Edwards, and Sir Henry Tulse, and the Ld. Mayor that now is, whom he found to be all arrested before he came.

Then

Then Sir *John Peake* was sworn, who deposed, that upon the News of the Lord Mayor's being arrested, he had order from the Lieutenantcy to raise his Regiment, which he did in a very little time, and came with his Soldiers to *Skinners-Hall*, where he heard the Lord Mayor was, and prevented any stir, as it was feared there would have been.

Here the King's Counsel rested their Evidence, till they had heard what the others said to it.

Whereupon Serjeant *Maynard* (being of Counsel for the Defendant, Mr. *Papillon*) told the Jury, in a very learned and excellent Speech, that the Lord Mayor was as much subject to the Process of Law and Actions, as any private Person in the City, if he did injury, or that which was not right in his Office: That the Defendant did then suppose himself to have wrong done him, and had therefore probable cause to bring his Action, which he had done in a legal Manner against the Lord Mayor.

Then Mr. *Williams* insisted upon the probability of the cause of Action; it being a controverted-Question, Whether Mr. *Papillon* and Mr. *Dubois*, or Sir *Dudley North*, and Mr. *Bax*, were chosen Sheriffs of *London*. And some were so much dissatisfied with swearing Sir *Dudley North*, and Mr. *Rich* Sheriffs, as thinking them not duly Elected, that they would have the Court of *Kings-Bench* moved, for the Writ of *Mandamus* to swear Mr. *Papillon* and Mr. *Dubois*; which *Mandamus* was granted, to which the Mayor and Aldermen, to whom it was directed, made a Return

turn that they were not Elected Sheriffs of *London*, which Return was apprehended to be false; and really to try the truth of this Return, was the Action brought against the Plaintiff; which was the only way they had to right themselves; and therefore they proceeded regularly, and orderly, in a decent Manner, applying themselves to get an Appearance to their Action; For that first they took out a *Latitat* against my Lord Mayor, and by the Attorney gave him notice of it, and desired an Appearance, so that the Question in dispute might come to some determination: But he was not pleased to give an Appearance to that Writ; so they took out a *Capias*, gave him notice of it, and desired an Appearance, but could have none: whereupon they took out an *alias Capias*, and the Coroner then told, that he should be called upon to make some Return to the Writ; which he acquainted the Lord Mayor with, and desired again an Appearance; which he refusing, the Officer was constrained to arrest him, and an Appearance at last was given: Upon which they declared in the beginning of *Hilary* or *Easter-Term* (83.) But it falling out that in *Easter-Term* (83,) that that there was an Information for a Riot upon *Midsummer-day* before, about this contested Election; which being tried *May* the 10th, was found to be so, and the Sheriffs sworn to be duly elected; thereupon being satisfied that they were mistaken, they immediately discontinued their Action.

Then Mr. *VVard* (of Counsel also for the Defendant) spoke; vindicating the Defendant
from

from some unjust Reflections, which the King's Counsel had made, as if he had caused the Lord Mayor to be Arrested for the furtherance of some designed Insurrection against the King and Government; and shewing the probability of the Cause then, at that time, though it be quite otherwise since the Question, of the Right and Election being determined on the other side, in the Trial about the Riot at the Election.

—But the *Ld. Ch. Justice*, here interrupting him, would by no means allow that to be the Question then determined; which raised some Words between them, whereat there was a little *Hiss* begun, which made the *Ld. Ch. Justice*, in a great Fury, ask who that Fellow was that durst *hum* or *biss* while he sat there; threatening to lay him by the heels, and make an Example of him, saying, That indeed he knew the time when Causes were to be carried according as the *Mobile* his'd or humm'd, and that he did not question but they had as good a will to it now. —Then he suffered the Defendants Counsel to call their Witnesses; And therefore,

Mr. Bromie being call'd and swore, deposed, That after he had the Writs he waited upon my *Ld. Mayor*, praying his Appearance, and gave him 9 or 10 days to consider; and that the Defendants Attorney *Mr. Goodenough* did threaten to complain of him to the Court if he did not make a Return of the Writ.

And that when, at last, he could get no Appearance, the Officers nam'd in the Warrant, by his Command, did arrest him, and carry him to Skinners-Hall, and that soon after he himself

self was taken into Custody, and committed to the Compter.

Then after the *Ld. Ch. Justice* had cross'd Questions with him, to have forc'd him a fall; Mr. *Cornish* was sworn, who depos'd, That Mr. *Papillon* and Mr. *Dubois* being at his house, in came Mr. *Goodenough* the Attorney, to receive their Orders what he should do; telling them the time was almost spent, and he had address'd himself from time to time to the Lord Mayor, and some of the Aldermen to get them to appear, but they would not. They told him they had already given him Orders, and desired that the matter might be brought to some Trial or issue; and that he should desire an Appearance to the Action, and if he would give it, take it, and remember my Lord Mayor is the Chief Magistrate of the City, and pray'd him to carry it with all respect and regard imaginable to him.

—The *Ld. Ch. Justice* then fell violently upon Mr. *Cornish*, questioning him about his own and Mr. *Bethel's* Elections; charging the Reason of his being Elected the second time, to be because he had not taken the Sacrament and Corporation-Oath, exposing him, as an intruder into that Office to disturb the Government, and as if that was it that was designed now again by this Election of the Defendant. But (said he) do you think the Government will ever suffer it self to be snivelled at, and overthrown by a Company of such whining Fellows? — And do you think to sham People into Offices? — No, I tell you, Villany was the Foundation of it, and Knavery the Superstructure; and it is high time it should

should be told out, since I hear some People begin to doubt of it as a Question. — Then calling *Bethel* and *Cornish* Rascals; he said, they qualify'd themselves for an Office, only to put the Kingdom into a Flame; and that the City was in great happiness and quiet ever since the late times of Rebellion and Confusion, till such time as a couple of busy Fellows came to get into the publick Offices. And let the whole Party (said he) go away with that in their Teeth, and chew upon it if they will.

Then Mr. *Serjeant* being sworn, deposed, That he being present at Mr. *Cornish's* house when Mr. *Papillon* and Mr. *Dubois* were there, he heard them give Mr. *Goodenough* the same Orders about treating my Lord Mayor decently, as Mr. *Cornish* had before deposed.

Then, to shew the fair proceedings of the Defendant in the Action; Mr. *Baker* was called, and deposed, That Mr. *Aston* telling him he appeared for Sir *William Pritchard*, and had a Declaration from Mr. *Papillon's* Attorney, he entred up a Discontinuance, and paid the Costs, and had Mr. *Aston's* receipt for them.

Then Mr. *Ward* offer'd, that apprehending themselves really chosen Sheriffs, they did in a due course of Law, sue forth their *Mandamus*, directed to the Plaintiff and the Aldermen; and to which there was a Return made; both which were then read in the Court; and then Mr. *Williams* offer'd to shew the Reasons why they thought this *Return* false, and thereupon brought their Action. And therefore Mr. *Gilbert Nelson*, Mr. *William Wightman*, and Mr. *Leonard Robinson* were all call'd and sworn. Mr.

Mr. Nelson deposed, that he was at the *Common-Hall* on *Midsummer-day*, 1682, where there was in Nomination for Sheriffs, he that is now Sir *Dudley North*, Mr. *Box*, Mr. *Papillon*, and Mr. *Dubois*; that he did see the Poll-Books after they were cast up, and the greatest number was for Mr. *Papillon*. And that upon holding up the Hands, most in his Judgment were for Mr. *Papillon*, and the Sheriffs gave it for *Papillon* and *Dubois*.

Mr. *Wightman* deposed, That he then did take the Pole in one of the Books, and that there were 2400 and odd for *Papillon* and *Dubois*.

Mr. *Robinson* deposed, that he was then also at the *Common-Hall*, and that by the Hands he judged the Majority was much more for *Papillon* and *Dubois* than for the other two; That a Poll was demanded and granted, and in the Evening, after the Poll was closed, the Books were numbered up, and the Sheriffs came down upon the *Hustings*, and declared above 2000 for *Papillon* and *Dubois*, and some hundreds under for the other two.

Then here, the Counsel for the Defendant, declared they would leave it, unless further occasion should be given them.

Then Mr. *Attorney-General*, for the Plaintiff, pleaded that the Defendant had not at all proved any probable Cause for his Action; for that this matter contended for, (which was the *Shrevalty*, an Office of Burthen, Hazard and Charge) could never be a good ground to bring an Action for; and that he could have no Title to that Office, his Election which was by the Poll, being illegal-
ly

ly managed by an usurp'd Authority ; and the Instruments made use of to bring about this Action (such as *Goodenough*, and the Cabal at *Russel's* of 30 or 40 Rioters, most of them in the Proclamation, proscribed as Traitors, and run away from Justice upon the Discovery of the Plot) speaking the worst of malice.

To which Mr. *Sollicitor-General* added, that that Poll, by which he supposed his right to the Office, was illegal, and therefore could afford him no probable Cause for an Action. And to prove it so,

Mr. *Town-Clerk* was sworn, who deposed that he never knew a Poll for Sheriffs till about 5 or 6 Years ago, and it was between Mr. *Jenks* and Sir *Simon Lewis*, and that it was by the direction of the Lord Mayor ; and the Sheriffs are but Officers, and not the Judges and Managers of the Poll, without the Lord Mayor's direction.

Then Serjeant *Maynard* did plead for the Defendant, that however, the lifting up of 2000 hands might well make him apprehend himself as chosen, and that there lay the cause of his Action ; and his suing for so troublesome an Office might be objected to the prudence of Mr. *Papillon*, but could prove nothing of Malice in him. And though the Attorney he made use of was a bad Man, yet that did not make all his Clients bad. And therefore he left it to the Jury the Probability or Malice of the Action, with the Damages the Plaintiff could possibly have sustained thereby.

Then Mr. *Williams* pleaded the doubtfulness of the Question, notwithstanding what the

Town

Town-Clerk had deposed concerning the right of managing Polls ; and that therefore they might easily be mistaken ; and that they brought their Action to try the Right ; but afterwards conceiving they were out, and had no Right, they discontinued and desisted ; and that thus they would leave it with the Jury.

Then Mr. *Ward*, remembering that Mr. Attorney General did challenge the Defendant, to shew that his Action was brought by Advice of Counsel, Mr. *Baker* was called again, who deposed that it was by the Advice of Mr. *Thompson*, Mr. *Pollixfen*, and Mr. *Wallop*.

Then both sides having nothing more to say, the *Ld. Ch. Justice* directed the Jury in a very long and virulent Speech ; shewing the improbability of the Cause of the Defendants Action, from the Sheriff's having no Power to manage the Poll ; and the Malice of it from these Circumstances attending it. As. 1. for a Man to sue to be Sheriff looks somewhat extraordinary ; as if he had a mind to do somewhat unusual in his Place, especially when a Man has fined for the Office once before, as Mr. *Papillon* did : And it is a thing was never known till these unhappy times. 2. That for several years last past the Government hath been beset, and the Methods of Justice corrupted, and all to serve the main Design of subverting the Government ; by Fellows getting into Office that were obnoxious to the Government, and known Dissenters, who never thought of conforming but only to capacitate themselves to destroy the Government ; by packing *Ignoramus Juries* ; so that Men took

Oaths only to sanctify Villany ; and Traitors at the Bar were in less danger of being convicted of their Treasons, than the Judges were of their Lives : And that these things never were till *Cornish* and *Bethel* got in to be Sheriffs. 3. Their arresting the Lord Mayor in his Mayoralty-year, and not staying till that was ended, did carry Vengeance and Malice in the very face of it ; as if they had a mind to affront the Government, in arresting and imprisoning the Kings Lieutenant, in one of the highest Places both of Trust and Honour. Nay, and because they would be sure their Malice and Revenge should take place, 4. They took the very *Scoundrels* of the Party to be employed in this work.—5. The Consequence designed herein, which was the destruction of the Government, all the Magistrates being took up that had any care for it. And 5. The particular Persons that were to be sued, being only some of the Aldermen, and not all, though the *Mandamus* was directed to all, and the Return made by the whole Court ; yet *Cornish* and his Party were not to be medled with, which is another Circumstance of Malice. And if it had not been for some Purpose, 6. Mr. *Papillon* is known to be a Person that would never have been so greedy of an Office he had before declined and fined for ; minding rather his Counting-house than a Scarlet-Gown ; And therefore the Design (he told them) was from the beginning to the end, nothing but to cause a Tumult and Confusion in the City, in order to put that damned hellish Conspiracy for the destruction of the King and his Brother, and every
Man

Man that was honest and loyal, in Execution.

That therefore they were to find for the Plaintiff, and to give Damages according to the Malice design'd ; not as to Sir *William Pritchard*, but as Lord Mayor ; For that the Government was infinitely concern'd in this Case, which made it so popular a Cause. The Government of the City, the Honour of their Chief Magistrate, and indeed the Honour of the King, whose Substitute he was, and that was to put a weight upon their Inquiry into the Damages of this Case ; telling them, that their severity in this Case, would deter all People from entring into Clans and Cabals to make Disturbances, and affront the Government.

Then the Jury withdrew to consider of their *Verdict*, and after half an hours stay, returned, and found for the Plaintiff, and assessed Damages to 10000 *l.* and costs to 4 Marks.

The Lord *Chief Justice* then told the Jury that they seem'd to be Persons that had some sense upon them, and consideration for the Government, and had given a good Verdict, and were to be greatly commended for it.

After which the Court broke up.

The Trial of Titus Oates, at the King's-Bench Bar at Westminster, before the Lord Chief Justice Jefferies, on Friday and Saturday, the 8th and 9th days of May, 1685.

THen and there the Prisoner appearing upon an Information of Perjury, shewing how that he had sworn falsely to a Consult of Jesuits, at the *White-Horse Tavern*, April 24. 1678. at the Trial of *Ireland, Pickering, and Grove*. To which having pleaded *Not Guilty*; the Jury sworn were,

Sir William Dodson.
Sir Edmund Wiseman.
Richard Aley.
Thomas Fowles.
Thomas Blackmore.
Peter Pickering.

Robert Beddingfield.
Thomas Rawlinson.
Roger Reeves.
Ambrose Isted.
Henry Collier.
Richard Howard.

Then *Dr. Oates* moved that he might have three very material Witnesses, who were Prisoners in the *King's-Bench*, brought into the Court; but the *Ld. Ch. Justice* told him, the Law would not allow it, and it would be an Escape.

The Information therefore was read, and *Mr. Philips* opened it, and *Mr. Attorn. Gen.* opened the Evidence.

Then, in order to prove the Information, the Record of the Trial of *Ireland* was produced, and read.

Then

Then Mr. *Foster* was sworn, who deposed, that he was one of the Jury at *Ireland's* Trial, and heard Dr. *Oates* depose about the Consult's being *April* 24, 1678, and that he was at it; and carried the Resolution from Chamber to Chamber to be signed, and saw it signed, &c.

Then *Martin Hilsley* Esq; a Papist, deposed, That he came from *St. Omers*, *April* 14, Old Stile, where he left *Oates*, and saw him but the day before; and that he was not at all in his Company from thence to *London*, where he arrived *April* 21, having staid four or five days at *Bockston-street*, hard by where he met Mr. *Burnaly* at a Relations of his. That afterwards he told Mr. *Osborn*, that he had left *Sampson Lucy* (by which Name Mr. *Oates* went, as also sometimes by *Titus Ambrosius*) at *St. Omers*.—

Then Dr. *Oates* would have ask'd this Witness, What his Employment was at *St. Omers*? Whether his Superiors did not set him on to do this? And what Inducements he had to give in an Evidence now, which he had given six Years ago at *Langborn's* Trial, and was not believed? But these the *Ld. Ch. Justice* called *Ensnaring Questions*, and would suffer no Answer to them.

Then Mr. *John Dorrel*, now a Papist, deposed, that about the 15th or 16th of *April*, he heard one Mr. *Osborn* telling his Mother of one *Sampson Lucy*, alias *Oates*, being then a Scholar at *St. Omers*, as a Gentleman newly come from thence had assured him.

Then Mr. *Osborn*, a Papist, deposed, About the 27th or 28th of *April*, Mr. *Hilsley* talking to him about *Oates*, telling, that he left him in the

Colledg when he came away from *St. Omers*; and this he told afterwards to *Madam Dorrel*, and his own Mother, who was since dead.

Then *Mr. Bournaby*, a Papist (supposed a Jesuit) who went by the Name of *Blunt*, deposed, That he met *Mr. Hilsley*, *April 18, 1678*, that he arrived at *St. Omers*, *April 21*, and saw *Oates* there the next day, and so from day to day, to *June 10*. but that he neither knew or heard of any Consult.

Then *Mr. Pool*, alias *Killingbeck*, a Papist (of the Sodality of the Virgin *Mary*, as was supposed) being sworn, deposed, That he came from *St. Omers*, *April 25*, and saw *Mr. Oates* that very Morning, and left him there; and saw him there the 21st and 22^d of the same Month: That he heard something of a Triennial Congregation, but of no Consult.

Then *Mr. Henry Thornton*, a Papist, deposed, That he had been a Student at *St. Omers* seven Years, and came thence about two Years after *Mr. Oates*; that he knew *Oates* there very well, and saw him almost every day in the Colledg, from *Christmas* 1677, to the 13th of *June* 1678; that in all that time he was never out of the Colledg, unless a day or two at *Watton* in *January*, which is not a League out of Town. That he saw him particularly the day of *Mr. Hilsley's* departure, *April 14*, and *Mr. Bournaby's* coming, *April 21*; and again, the next day, *April 22*, at a Play which the Scholars acted. That he heard of a Triennial Congregation, but of no Consult.

Then *Mr. William Conway*, a Papist, a Student of *St. Omers*, who went by the Name of *Parry*,

Parry, when he was a Witness at the Trial of the five Jesuits, deposed, That he knew Mr. Oates at St. Omers ; that he came in *December* 1677, and stirr'd not out of the Colledg, except one Night in *January*, till he went away about the 10th of *June* ; that he saw him particularly the day Mr. *Hulsley* went away, and that whereon Mr. *Bournaby* came ; that he could not be absent, without missing, because he sat at a Table by himself.

Mr. *Haggerston* then deposed, That he had the honour to be of the same Class (which was the Rhetorick Form) with the *Salamanca* Doctor (as he called Oates) at St. Omers ; and knew him to be there all *February*, *March*, *April*, *May*, and till the latter end of *June*, 1678. except one Night he was at *Watton* ; owning himself likewise a Papist, and that he remained seven Years at St. Omers ; and that he was Sir *Thomas Haggerston's* Son, a *Northumberland*-Man, and went by the Name of *Henry Howard* at St. Omers. That particularly in *May*, he heard Dr. Oates preach ; and that in his Sermon he said, *That the late King Charles II, halted between two Opinions, and a Stream of Popery went between his Legs.*

After him Mr. *Robert Beeston* (a St. Omers Student also) deposed, That he knew Mr. Oates to be at St. Omers the latter end of *April* & *May* ; That in *April* Mr. Oates read in his room, only with this Condition, that if ever Oates was absent, he was to read again : But he never being called to read more, he was sure that the Prisoner could not be absent. That *Apr. 21*, he saw him at *Ninepins*, and the next day at their Action.

Then Mr. *Clement Smith* (another Student of the same Colledg, and of the same Class with Dr. *Oates*, whom the Doctor challenged for a Jesuit) swore the Prisoner's being at St. *Omers*, from *Christmas* 1677, to *Midsummer* 1678, New Stile: And that he remembered particularly as to *April* and *May*, because the 21st of *April* he himself fell sick in the Colledg, and went into the Infirmary till *May* 7. In which time the Prisoner oft visited him, and told him of Mr. *Hilsley's* and Mr. *Pool's* going away, and two or three other Particulars which happened in the Colledg at that time. That the Prisoner also was in the Infirmary for two or three days in this time; and that he spoke this piece of false Latin to his Physician, *Si placet Dominatio vestra*.—That he heard of the Consult, and knew of Mr. *Marsh* and Mr. *Williams*, two Fathers, going over then to it.

Then Mr. *Edward Price* (another of the same) swore to *Oates's* coming to St. *Omers* at *Christmas*, and of his going away at *Midsummer*; and remembers particularly his being there when the two Jesuits *Marsh* and *Williams* were coming over to the Consult. And that had he been absent, he must needs have been miss'd, he was so noted for his Absurdities, and frequent Quarrellings with the Students.

Mr. *James Doddington* (another of the same, who went by the Name of *Hollis*, and was a Witness at the Trial of the five Jesuits) swore likewise to the same purpose, of *Oates's* being resident from *Christmas* to *Midsummer* at St. *Omers*, except one Night at *Watton*.

Mr. *William Gerrard* (another also of the same, who went by the Name of *Clovell*) swore the same Story of *Oates's* residency at that time at *St. Omers*; and that he heard of the Consult, but that *Oates* was not capable of being at it, because none but Jesuits of 18 Years standing could be present; That on *May 16*, *Oates* and he were confirm'd together.

The Lord *Gerrard* of *Bromeley* (being another of the same, going by the Name of *Clovell*) deposed the same Evidence: remembring the Prisoner's reading in the Sodality particularly by his Tone.

Mr. *Samuel Morgan* (now a Benefic'd Minister of the Church of *England*, being reconciled five Years since) deposed the same concerning *Oates's* coming to, and going from *St. Omers*, (himself being then a Student there) and that reading *Ireland's* Trial, the impudence of *Oates* was much wondred at in the Colledg, for swearing that he was at the Consult on *April 24*, when all the Colledg knew to the contrary; and himself did remember, that on that very day he was playing at Ball, and struck it over into a Court, and borrowed Mr. *Oates's* Key to fetch it.

Then Mr. *Arundel* (a *St. Omer's* Student, who went there by the Name of *Spencer*) deposed to the same purpose; saying, That he saw *Oates* confirm'd on *May 16*.

Mr. *Christopher Turbervile* (another of the same, his false Name *Farmer*) deposed to the same purpose; and that he particularly saw the Prisoner on *April 25, 26. 1678*. he then removing

removing into Mr. *Pool's* Chamber, and saw *Oates* in the Chamber, and at the Chamber-door.

Mr. *Anthony Turberville* (another Student, his false Name *Farmer* also) deposed to the time of the Prisoner's being at *St. Omers* from *Christmas* 1677, to *Midsummer* 1678; and that he was notorious for his Scurrility and Abusiveness; and that he and Mr. *Thornton* did breakfast with him that Morning he left the Colledg.

Mr. *Clavering* (another of them) deposed to the same purpose, giving this Instance, that the Prisoner was at *St. Omers* at that time the Consult was, for that he inquired of him, what it was they met for; and for that a Man came to beg Mony of the Students, which himself collected for him, and *Oates* refused to give him any thing; And that he knew this to be at that time of the Consult, because enquiry being made how the Man came to get so little Mony at *Watton*; it was said, it was because the Fathers were gone to the Congregation in *England*.

Mr. *John Copley* (another of the same) deposed only to the general Testimony of the Prisoner's Residence at *St. Omers*.

Mr. *Cook* (a Taylor belonging to the Colledg) deposed the like; only instancing the 20th of *April*, that he saw him in a Procession from the Sodality to the Church, walking at the latter end among the Rhetoricians.

John Wright Esq; (another Student) deposed only, that *Oates* came to *St. Omers* the Winter, and

and went away the Summer before the Notice of the Plot was.

Then Dr. *Oates* was permitted to make his Defence; which he did by excepting something against the Form of the Indictment; producing the Records of the Conviction of *Ireland*, and the 5 *Jesuits*, urging them as Proof of the Fact, to which he then swore; Reciting out of those Trials, the Approbations that were then given to his Testimony by the *Ld. Ch. Justice Scroggs*, and the present *Ld. Ch. Justice*, the Recorder; attested by Mr. *Robert Blayney's* Notes, who was also sworn. Urging also the Credit his Testimony once had with both the Houses of Parliament; and to prove it, he called several Persons of Quality, and Noblemen, but those who appeared, were *Serj. Maynard*, Earl of *Devonshire*, Earl of *Clare*, Mr. *Williams* (late Speaker of the House of Commons) Earl of *Huntington*, *Ld. Ch. Baron*, *Ld. Bishop of London*, *Sir George Treby*; some having forgot what had then past in the Houses, others expressing but a very indifferent Opinion they had of the Prisoner and his Evidence; which made him to say, That he found, either the distance of time had wrought upon their Memories, or the difference of the Season had chang'd their Opinion, so that now they disbelieved that, which they believed before, and perhaps for as little Reason as they believed him at first; For he could not expect that a Man, who believes without a Principle, should not recant that Belief without a Reason.—But the Court call'd this a Reflection, and spar'd him not for it.

The

The other part of his Defence consisted of his endeavouring to prove that he was here seen in *London* in *April* and *May* 1678. To this end *Mrs. Cicilia Mayo*, *Sir. Richard Barker's* House-keeper, deposed, That she saw *Dr. Oates* at her Master's House in *Barbacan* the latter end of *Apr.* or beginning of *May*, being about a Week before *Whisfontide*; in that Year the Plot broke out; — That the Coachman told her he had been there once or twice before, but this was the first time she saw him, he having on grey Clothes, a white Hat, and a short Periwig, and dined there, with her Lady's Sister, and others, *Sir Richard* being then sick in the Country. That he came afterwards, when she saw him in black Clothes, a longer Periwig, which was brown. That she never knew the Prisoner before then, but they told her who it was.

Then *John Butler* (*Sir Richard Barker's* Coachman) deposed, That he also saw *Mr. Oates* at his Master's House the beginning of *May*, before the Plot, in a disguise, having on a grey Coat, and white Hat, and his Hair cut short, but without a Periwig, enquiring for *Dr. Tongue*; *Mrs. Mayo* then also looking upon him in the Court, through the Window. And that afterwards he came in a Cinnamon-coloured Coat, and green Ribbons, and a long black Periwig; and that he dined there several times.

Then *Philip Page*, (*Sir Richard Barker's* Man that used to make up his Physick for him) deposed, That he remembred he did see the Prisoner at his Masters, in grey Clothes, but he
was

was not certain as to the time, only he believes it was in *May*.

Then Mr. *Walker* (a Minister) deposed, he met the Prisoner in a Disguise, between St. *Martin's-Lane*, and *Leicester-Fields*, not exactly remembring the Time when; only he thought it about a Year and a quarter before he was first examin'd, and that the Elm-Trees were then budded forth as big as an Hazle-Nut.

After this, reflecting on the discredit the St. *Omers* Witnesses had once been in, and of their not prosecuting of this Cause before this time, he concluded his Evidence. And the King's Counsel proceeded to answer his Defence; producing the Records of Sir *George Wakeman*, and Earl of *Castlemaine's* Trials to prove that his Evidence there was not believed; which were read; and Sir *George Wakeman* being sworn, deposed what it was the Prisoner then swore against him, and protested the falsity of it, and his own Innocency.

The same also the Earl of *Castlemain* did in like manner.

And then the Lords Journals were produced, where it was recorded that the Prisoner said, he could accuse no Body else but those that he named, and yet soon after he accused the present King, and the Queen-Dowager; but this (upon search) being not found to be a Record upon Oath, it was not thought valid Evidence. Therefore they proceeded to prove his Subornation of one *Clay*, which was a Witness for the Prisoner at the Trial of the five Jesuits, whom now he did not call; and of Mr. *Smith*,
the

the School-master of *Islington*. To this end, part of *Oates's* Narrative was read out of the Lords Journal, wherein he accused this *William Smith* as concerned in the Plot, as endeavouring to vilify the House of Commons, &c. And then a Certificate was read under *Oates's* Hand of this *Smith's* Honesty. not three days before the Trial of the five Jesuits; whence they would infer he had been tampering with him; the which *Smith* himself, being sworn, was ready to have deposed; but the *Ld. Ch. Justice* would not admit him to swear that he did forswear himself, because such should never have the Countenance of ever being Witnesses again.

Therefore they proceeded to prove the Subornation of *Clay*; and to this end *Lawrence Davenport*, in whose keeping *Clay* was in Prison, deposed, that Sir *William Waller*, and the Prisoner did come to this *Clay*, and threatened to have him hang'd, for that they could prove him to be a Priest, unless he would swear for *Oates*, that he dined with him at Mr. *Howards* in *May*; which he consented to, so he might have his Money restored that was taken from him; saying, he had been a Rogue before, and did not know what he might be. And this another Witness produced, swore that *Davenport* told to him the next day in Prison.

Then Mr. *Howard* deposed, That *Clay* was mistaken in his Testimony given at the Trials of the five Jesuits, in being *July* and not *May* 1678, that he and *Oates* were at his House; about which time there was no question of his being in *England*.

Then

Then they read out of *Oates's* Narrative again ; wherein he had said how he return'd three or four days after the Consult of *April* 24 was over ; observing hence how his own Witnesses contradicted him, who had deposed that they saw him here in *London* the latter end of *May*.

And here the Counsel for the King concluding their Evidence, Dr. *Oates* proceeded with his Defence ; only shewing out of the Lords Journal a Copy of their Resolve, That there was a Plot ; and of their summoning up before them *Thomas Bickley* of *Chichester*, for vilifying Dr. *Oates*, and thereupon turning him out of Commission ; objecting five things against their Evidence.

(1.) Their *Religion* ; A Papist not being a good Witness in a Cause of Religion, appealing to the Heavens.—Which the Ld. Ch. Justice call'd a Common-wealth appeal ; and bid him to be took away, falling very foul upon the poor Doctor.—But stood in't that 'twas Law, and the Lord *Cooke's* practice, quoting *Butstroke's* Reports, 2d. Part, 155.

He objected, (2.) Their *Education*, confessing themselves to be bred up in a Seminary, which is against Law, quoting 27°. *Eliz.* cap. 2. and 3. *Car.* 1. Cap. 2. Which also was over-ruled.

(3.) Their Judgments in Cases of Conscience, whereby they own they have Dispensations to swear Lies for the promotion of the Cause.

(4.) It was refused at the Lord *Shaftsbury's* Trial, to suffer the King's Evidence there to be Indicted of Perjury.—But all this, the Ld. Ch. Justice told him was idle, and nothing to the Purpose; And therefore he went on to sum up his Evidence, protesting the Truth of his Evidence, and that he was resolved to stand by, and seal it with his Blood; which the Ld. Ch. Justice told him it was pitty but he should.

Then Mr. Sol. Gen. summ'd up the Evidence (which while he was a doing Dr. *Oates* beg'd leave to withdraw, being weak and ill with the Stone and Gout, and having lien in Irons 21 weeks); After him the Ld. Ch. Justice summ'd up the Evidence, with all the Virulency and Gall his Wit or Malice could assist him. And then the *Jury* withdrawing for about a quarter of an hour, deliver'd in their Verdict, That the Defendant was *Guilty of the Perjury* whereof he was Indicted; which being Recorded, The Ld. Ch. Justice gave it his Approbation, to which the rest of the Judges assented, and then the Court arose.

THE next day, being Saturday, *May 9,* 1685, the Prisoner was again set to the Bar, having also been arraigned upon another Information of Perjury; which did set forth, that he being a Witness for the King, at the Trials of *Ireland* and the five Jesuits, did therein swear, that *Ireland* was in Town the 1st and 2^d of *September*, and between the 8th and 12th of

of Aug. 1678. and that he had forsworn himself in both Instances ; to which he had pleaded *Not Guilty*. The Jury therefore sworn, were,

Sir Thomas Vernon Kt.	George Toriano.
Nicholas Charlton Esq;	Henry Loades.
Thomas Langham Esq;	John Midgley.
Thomas Hartop.	John Pelling.
Francis Griffith.	Thomas Short.
John Kent.	George Peck,

To whom the Information being read, Mr. Phipps opened the same, and Mr. Attorn. Gen. opened the Evidence. And then the Records of the two Trials were produced, and admitted. And then,

Mr. Thomas Harriot (who was Foreman of the Jury at the Trial of the five Jesuits) deposed, That Dr. Oates was a Witness thereat, and swore that Ireland took his leave of him and others, at the said Ireland's Chamber, between the 8th and 12th of August, 1678. And Mr. Rainsford Waterhouse, being another of the Jury at the same time, deposed the very same.

Then Mr. Foster (a Jury-man at Ireland's Trial) deposed, That the Prisoner also was a Witness then, and swore, that the said Ireland was in Town the 1st or 2d of September 1678, for he had then 20s. of him. And Mr. John Byfield, another of the same Jury, deposed the same. — To prove it false then,

Mrs. Ann Ireland deposed, That on Wednesday, July 31. (being St. Ignatius's day) her Mother, and She, and Brother, were invited to

Mr. Gifford's at *Hammer-smith*; that She and her Mother staid all Night, but her Brother refused; that on Saturday following, *August 3. 1678.* she took leave of him, he going then out of Town to the Lord *Aston's* House in *Hartfordshire*, in order to go thence into *Staffordshire*; that in his absence, once one Mrs. *Eagleston* lodg'd in his Room, her Maid falling sick; and that he returned not till just a fortnight before *Michael-mass*.

Mrs. *Eleanor Ireland* deposed the very same, saying, he return'd *Septemb. 14.* before his Trial, whereat she was a Witness, but not suffered to speak what she knew.

Then Mrs. *Duddle* deposed also the same Evidence about his being out of Town. And the like did

Mrs. *Quino*, his Taylor's Wife, who brought him home some Clothes that had been mended; but Saturday Morning he went, and she saw him in his Boots, and he took Horse (as his Servant has testified) at the Bull-Inn in *Drury-lane*.

Then the *Ld. Aston* deposed, That Mr. *Ireland* came to his House at *Standen* in *Hartfordshire*, on Saturday-Night, *August 3. 1678.* and went with him on Monday to *St. Albans*, where they met with his Brother and Sister *Southcoat*, and thence travelled to *Tixhall*, where they arrived on Thursday following, *Ireland* (as he believes) being all this time in his Company.

Then Sir *Edward Southcoat* deposed, That he came to the Lord *Aston's*, *Aug. 4. 1678.* that the day following Mr. *Ireland* travell'd with them to *St. Albans*, where they met with his Father and Mother,

Mother, and lay all Night at the *Bull-Imm*; that the next Night they lay at the *George* in *Nor-thampton*, and on Wednesday Night at the *Bull* in *Coventry*; and the next came to *Tixhall*, Mr. *Ireland* being with them all the Journey, and staid with them there till the Tuesday following, Aug. 13. And then they went to *Nantwich*, and lay at the *Holy-Lamb*, and the next day came to *Holy-Well* and lay at the *Star*; and the next day came to *Chester*, and return'd the next day after to *Tixhall* again, being Friday, August 16. Mr. *Ireland* still travelling with them. That afterwards he cannot positively say how long *Ireland* was at *Tixhall*, only that he remembered him there the day of Mr. *Chetwin's* Race with Sir *Henry Gough*, and on a Thursday upon the *Bowling-Green* at *Tixhall*. But he came back with them from *Tixhall* the 9th or 10th of September, the first Night to the *Bull* in *Coventry*, the next to the *Altar-stone* at *Banbury*, the next to *Agmondishman*, and the next to his Father's House in *Kingston*, where his Brother bought Mr. *Ireland's* Horse of him, being Thursday; and the Saturday following *Ireland* went to *London*, September 14.

Then Mr. *John Southcoat* (Sir *Edward's* Brother, who bought *Ireland's* Horse) deposed the same things, being with them all these Journeys.

After him one *Harrison*, Sir *John Southcoat's* Man, who likewise travell'd with them; and was the Man that went with *Ireland* to *London*, and brought back his Horse, deposed the very same.

George Hobson (a Servant of the Lord *Aston's*) deposed, That he also was these Journeys, and saw *Ireland* every day : that after they return'd from *Holy-Well* to *Tixhall*, he saw him again on *August* 26. and on the day he return'd thence for *London*, which was *Septemb.* 9. 1678.

George North, another of my Lord's Servants, deposed, That he travell'd at the same time, in *Mr. Ireland's* Company, from *Standen* to *Tixhall*; and that he saw him again at *Tixhall* after his return from *Holy-Well*, and particularly on *Septemb.* 9. he then going back for *London*.

Richard Ingletrap (the *Hackney* Coach-man) a Protestant, deposed, that he travell'd also from *Standen* to *Tixhall* with *Mr. Ireland*; and saw him *August* 13. when he set out for *Holy-Well*.

Andrew Wetton, another Protestant, deposed, that he travelled from *Tixhall* to *Holy-Well*, and so back again to *Tixhall*, in *Mr. Ireland's* Company, looking after his Horse; and saw him that day he set out for *London*.

Thomas Sawyer deposed, that *Ireland* was at *Tixhall* from *Aug.* 8. to *Aug.* 13. and came again *Aug.* 16. and went for *London* *Septemb.* 9. following.

Frances Allen (one of the Lord *Aston's* Maids, who wash'd *Ireland's* Linnen, and look'd to his Chamber while he was at *Tixhall*) deposed, that he came to *Tixhall*, *Aug.* 8. 1678. and went for *Holy-Well* the 13th, and returned thence the 16th, and went away the next day, she delivering him the Linnen he carried with him; and saw him several times afterwards at *Tixhall*,
pro-

professing her self a Protestant also.

Then Mrs. *Jane Harwell* deposed, that *Mr. Ireland* came to her House in *Wolverhampton*, Aug. 17. (as from *Tixhall*) and was every day there till the 26th, when he return'd (as she supposes) to *Tixhall* again. He came to her again Sept. 4. following, and staid till the 7th, when he went away for good and all. That hearing of his Trial, and what he had been accused of in *December* following, she sent an Express, at her own Charges to *London*, to a Friend, with a Petition to the King, that they might bring in Witnesses to prove this: Upon which his Execution was staid about five Weeks, and they hoped for a second Trial, but could not obtain it.

Mr. William Rushton, a Papist, deposed, that he saw *Ireland* in *Wolverhampton*, from the 18th of *August* to the 25th, every one of the days, except the 23d, when he went to *Litchfield*.

Mrs. Katherine Wingford deposed, that she also saw *Ireland* from *August* the 18th to the 25th, sometimes at Mrs. *Harwells*, and sometimes at her Father's House in *Wolverhampton*.

Mr. William Stanley deposed, that he saw *Ireland* in *Wolverhampton*, on Aug. 18, 19, 20, 21, 24, and 25; and entertain'd him twice at his own House.

Mrs. Dorothy Purcel swore, she saw him also in the same Town, on *August* the 18th to the 23d, but would give no Circumstance whereby she might remember so particularly those days.

Then one *Scot* swore, that he look'd to his Horse while he was in that Town, and that he

staid there about a Fortnight, but could not be particular as to the time.

Then Mr. *John Stamford* deposed, that he also saw *Mr. Ireland* in the same Town, from *Aug. 18*, to *25*, having known him ever since *1675*.

Mrs. Katherine Fowler (*Mrs. Harwell's Daughter*) swore, that she saw *Ireland* at her Mother's House, from *Aug. 17*, till the *27th*, *1678*. seeing him every day except the *23d*, when he went to *Litchfield* to the Fair.

Mr. Gifford swore, he saw him every day there, from *Aug. 17*, to the *26th*, *1678*.

Mrs. Elizabeth Gifford swore, she saw him all those days but two.

Elizabeth Keeling (*Mrs. Harwell's Maid*) swore, she saw *Ireland*, *Aug. 17*. till he went away, except three days she was absent at her Mother's Funeral. And she saw him again at her Mistresses, from the *4th* of *September* to the *7th*, *1678*.

Mr. Richardson (an Apothecary in *Wolverhampton*, and a Protestant) deposed, that he saw a Gentleman, whom *Mrs. Harwell* told him was *Mr. Ireland*, on *Aug. 19*. in that Town, *1678*.

Mrs. Eleanor Graves, deposed much the like as to seeing *Ireland* at that time there; and that she moreover went with him *Aug. 23d* to *Litchfield*, and return'd back with him that Night again, her Uncle *Winford* being with them.

Then Sir *Thomas Whitegrave* (a Justice of Peace in *Staffordshire*, and a Protestant) deposed, that he saw *Mr. Ireland* on the *29th* of *August*,

August, 1678. upon *Tixhall* Bowling-Green.

Mr. William Fowler, a Papist, deposed, that he saw *Ireland* at *Tixhall*, *Aug.* 10. 1678. and on the 27th at the Horse-Race at *Etching-Hill*, and on the 29th upon *Tixhall* Bowling-green, where he saw *Sir Thomas Vbitegrave* also with him.

Mr. Howard swore also, that he saw *Ireland* at the Horse-Race, and again afterwards at *Bel-lamore*, where he dined that time.

Then *Mr. Drayton*, (a Servant to the Lord *Gerrard's* Father) deposed, that he also saw *Ireland* at the Race, and at *Tixhall*, *Aug.* 29. when he went home with *Mr. Heveningham* to *Aston*, where he saw him the next day; and on the 31st a Hunting with his Master; and *Sept.* 1. at *Mr. Gerrard's* of *Hildersham*.

Sir James Simmons deposed, that he saw *Ireland* at the Horse-Race also, and on *Tixhall* Bowling-Green, *Aug.* 29. and that he came to *Aston* that Night, with his Father *Heveningham*; but he going the next day to *Pancrass* Fair, left him.

Mr. Green (who belonged to *Sir James Simmons*) deposed, he saw *Ireland* at the Horse-Race, *Aug.* 27. 1678. and the next day on *Tixhall* Bowling-Green; which Night he came to *Aston*, and saw him a Setting there the next day, and the next day a Hunting.

Then one *Fallas*, (a Servant of *Mr. Heveningham's*, and a Protestant) deposed, that *Ireland* came to his Master's on *Aug.* 29. and the next day Fish'd and Sett, and the next day Hunted,

and then went away, he looking to his Horse while there.

Then *John Proctor* (a Servant to *Mr. Lowes*, and a Protestant) deposed, that he saw *Ireland* at his Master's at *Fulford*, on *Aug. 31. 1678.* and the next day at *Esq; Gerrards* at *Hildersome*.

Then *Mr. John King* deposed, that he saw *Ireland* at *Hildersome*, *Sept. 1. 1678.* where he was all Night; and the next day at *Millage*, where he dined, designing for *Boscobel* that Night.

Then *Francis Lee* (a Servant to *Mr. Gerrard*) deposed, that he saw *Ireland* at his Masters, *Aug. 31.* where he staid two Nights, and went with him thence to *Millage*, where they dined, and then went to *Pancrass* with him for two hours, and then *Ireland* went to *Boscobel*.

Then *Mr. Biddolph* swore, that he dined with *Ireland* at his Aunt *Crompton's* at *Millage*, *Sept. 2. 1678.*

Mrs. Crompton her self deposed, that *Mr. Ireland* dined at her House that day her Nephew *Biddolph* did; but could not remember any other-wise the time.

Mrs. Palmer swore, she also dined with *Ireland* at *Millage*, but could neither tell when, nor who were there.

Mrs. Holmes swore, she saw *Ireland* at *Millage* the beginning of *Septemb. 1678.* on a Monday.

Mrs. Gifford swore, she saw *Ireland* at *Pancrass*, *Sept. 2. 1678.* about four or five in the Afternoon.

Then *Mr. Pendrel* depos'd, that *Ireland* lodg'd at his House at *Boscobel* on *Sept. 2. 1678.* and went the next day but one to *Black-Ladies*, to *Mr. John Giffords*.

Mrs

Mrs. Pendrel swore the very same.

Mr. Charles Gifford swore *Ireland* at his Father's House at *Black-Ladies*, on *Sept. 4. 1678.* coming to see one *Madam Wells* there, where he staid an hour and half, and so went for *Wolver-hampton*.

And thus was proved where *Ireland* was, from *Aug. 3. to Sept. 14.*

After which Dr. Oates began his Defence, urging the great Hardship he lay under, after six Years time, to be put to disprove what was now offered against him; many of his Witnesses being since dead, and gone beyond-Sea, and many Passages forgot by him; besides, that the Dispute was only about a bare Circumstance of Time, when-as the Substance of his Evidence about the Plot, was not assign'd as any Perjury at all; and that this very Testimony was look'd upon as a Trick only to catch the Evidence, and was judg'd invalid at the Trials of *Ireland* and the five Jesuits. Urging also the Testimony of *Bedloe* at *Ireland's* Trial, vvhich amounted to the same as his, (*Mr. Blaney* testifying it upon Oath); as also *Mr. Jennison's* about *Ireland's* being in Town in *August*; saying, what Charges he had been at to find out *Mr. Jennison* and *Sarah Pain* (who gave the same Evidence) but could not; calling for many Witnesses whom he had *Subpened*, but not one appeared: Com^{pl}aining therefore of his hard Usage. He proceeded to sum up what more he had to say, protesting the Truth of what he had deposed; the little belief this Testimony formerly had, and the Interest of Papists concerned now to bring

bring it thus against him, saying, "That he was
 "confident, had he been a Witness in any other
 "Cause, he might have had fairer Quarter.
 "And did verily believe, that at this rate, it
 "vvas more safe for Papists to be Traitors, than
 "for any Protestant to discover a Popish Plot.—
 Begging that Counsel might be assign'd him to
 argue the Errors in Yesterday's Indictment, and
 a Weeks time to prepare, and to withdraw be-
 cause of his present Illness; all vvvhich vvvere
 granted him.

And then Mr. Sol.General summ'd up the Evi-
 dence; giving this Reason vvhy this Testimony
 was produced no sooner, viz. "Because time
 "vvas, vvhen the City of *London* vvas a Refuge
 "for High-Treason, and no Justice to be had
 "for the King there; it being hardly safe for
 "the Judges to sit on the Bench, by reason of
 "the Rabble.

The Ld. Ch. Justice directed likewise the Ju-
 ry, vvith some Virulency against *Oates's* Confi-
 dence; bewailing the Death of so many Inno-
 cent Men upon his Evidence; reflecting on the
 Insolency (as he called it) of those Times;
 crying out, *Good God of Heaven! VVhat an Age*
have we liv'd in, to see Innocence suffer Punish-
ment, and impudent Falsity Reign so long! &c.

The Jury withdrawing for half an hour,
 brought in their Verdict, That the Defendant
 was *Guilty* of the *Perjury* whereof he stood In-
 dicted. To which the Judges gave their Ap-
 probation; and the Ld. Ch. Justice told the
 Jury, that by it they had Contributed, as much
 as in them lay, to Vindicate the Nation from
 the

the Infamy it had so long lain under. The Court then arose.

On Monday, *May 11. 1685.* Mr. *Wallop* procured the same leave as *Oates* had done before, for the Defendant to move in Arrest of Judgment, upon the Conviction on Saturday also, which was Granted. And on Saturday, *May 26. 1685.* The Prisoner was set to the Bar; but his Counsel said they had nothing to say.

Then four Exceptions which the Prisoner had given in, were read, and over-ruled. And the *Ld. Ch. Justice* aggravated his Crime in a Virulent Speech; and Mr. Justice *Withyns* pronounced the Judgment of the Court upon him, which was this.

1. That he should pay for a Fine, 1000 *Marks* upon each Indictment.

2. That he should be strip'd of all his Canonical Habits.

3. That he should stand in the Pillory before *Westminster-Hall* Gate upon Monday next, for an hour's time, between 10 and 12 a Clock, with a Paper over his Head (which he must first walk with round about to all the Courts in *Westminster-Hall*) declaring his Crime, and that was upon the first Indictment.

4. That, for the 2^d Indictment, he should, upon Tuesday, stand in the Pillory at the *Royal-Exchange* in *London*, for an hour, between 12 and 2 with the same Inscription.

5. On Wednesday, that he should be Whipt from *Aldgate* to *Newgate*.

6. On Friday, That he should be Whipt from
Newgate

Newgate to Tyburn by the Hands of the Common Hangman.

7. And for Annual Commemorations; That upon every 24th of *April*, as long as he should live, he was to stand in the Pillory at *Tyburn*, just opposite to the Gallows, for an hour, between 10 and 12.

8. That upon every 9th of *August*, he was to stand in the Pillory at *Westminster-Hall Gate*; because he had sworn that *Mr. Ireland* was in Town between the 8th and 12th of *August*.

9. That on every 10th of *August*, he was to stand in the Pillory at *Charing-Cross*, for an hour, between 10 and 12.

10. The Like over against the Temple-Gate, every 11th of *August*.

11. And that upon every 2^d. of *September* (another Notorious Day) he was to do the like at the *Royal-Exchange*, for an hour, between 12 and 2.

That all this he was to do every year during his Life: And be Committed a Close Prisoner as long as he liv'd.

And this, he told him, he pronounced to be the Judgment of the Court; and that if it had been in his Power to have carried it further, he should not have been unwilling to have given Judgment of Death upon him, for he was sure he deserved it.

The Trial of William Ring, Tailor, before the Lord Chief Justice Jones, at the Old-Baily, on Monday October the 19th, 1685.

THE Prisoner then and there appearing (together with *John Fernby*, and *Mr. Cornish*) was arraigned upon an Indictment of High-Treason, for harbouring, concealing and relieving one *Joseph Kelloway* and *Henry Lawrence*, whom he knew to have traitorously levied War against the King, &c. to which having pleaded *Not Guilty*; the Jury sworn for *Middlesex* were,

Nehemiah Arnold,
Francis Stevens,
Richard Fisher,
John Howlet,
John Vignes,
Samuel Birch,

William Thompson,
VVilliam Read,
Samuel Peacock,
Richard Fitz-Gerrard,
Richard Bromsfeld,
John Haynes.

To whom the Indictment was read, and briefly open'd by *Mr. Phipps*, and *Mr. Attorney General*; and then a Copy of the Record of the Conviction of *Kelloway* and *Lawrence* was produced, to shew them Traitors: and to prove the Prisoner harboured and conceal'd them between their Treason and Conviction.

First *Mr. Barrington* deposed, That on *July* the 11th last, *Mr. Ring* came to him from *Mr. Lawrence* to come and speak with him, whom he found with one *Kelloway* at *Mr. Ring's* house,
who

who said they were just come out of the West-Country. That on *Wednesday* following, being *July* the 15th, he called and saw Mr. *Lawrence* again at *Ring's* house, who told him he was going from thence to the *Pewter-Platter* in *St. Jones's*: Where after he had been examin'd before Mr. *Common-Serjeant*, they searched for them, but they were gone, only they confessed such Men lodged there on *Tuesday* and *Wednesday* Night, but not the *Thursday* Night; so they enquired for them at Mr. *Ring's* House, the Bible in *VVich-street* without *Temple-Bar*; and there Mr. *Ring's* Wife told them, they lay there the *Thursday* Night, but could not tell where they were at present. Whereupon they went to the *Castle-Tavern*, and Mr. *Common Serjeant* sent for *Ring*, and examin'd him; who denyed all, till he had sent and search'd his house, and brought a Paper.

Then Mr. *Barrow* deposed, That in *July* last he heard Mr. *Ring* confess before the Lord Mayor that he had lodged *Lawrence* and *Kelloway* two or three Nights, who told him they had been in the late Western Rebellion in *Monmouth's* Army.

Mr. *Crip* swore, that he searching Mr. *Ring's* house, found in the Window a Letter under *Lawrence's* own hand to *Newberry* about a horse he had left there, which he stole from his Master; which Letter he brought to the *Castle-Tavern*; and then *Ring* who before had denied every thing, owned upon the sight of that Paper, that *Kelloway* was his Cousen, but deny'd that he lodg'd him then: But afterwards at the Sessions-house, when *Kelloway* and *Lawrence* were produced

duced before him, he owned that he had lodg'd them two or three Nights, though they said four Nights, and that they told him whence they came.

Then Mr. *Hardisti* swore to the Examination of Mr. *Ring*, before Sir *James Smith*, Lord Mayor of *London*, on *July* the 18th last; which was that he did lodg *Kelloway* and Mr. *Lawrence* three Nights, and they dined twice with him: that they told him they were in *Monmouth's* Army, who was routed, and had left their Horses at *Newbury*; and that he went to one that was Journey-man to a Glover in *St. Bartholomew's* Close to come speak with *Lawrence*; something also he confess'd about one *Hooper*, as being concern'd in the Rebellion.

Then Mr. *Richardson* swore that this *Kelloway* and *Lawrence* were the Men, he carried down into the *VVest*, where they were both convicted, and one executed, the other having a Reprieve.

The Prisoner then denyed what he had confest in his Examination, saying it was false; and that he did not know whence *Kelloway* and *Lawrence* came, nor did they tell him; he confess'd he lodged them, but that what he had done was ignorantly; and that when his Examination was taken, he was in a Maze, and he did not know what was put down.

After this the *Ld. Ch. Justice* briefly summ'd up the Evidence, and the Jury brought him in *Guilty*.

*The Trial of John Fernley, Barber, at the
Old-Baily, on Monday October the 19th,
1685.*

THE Prisoner then and there appearing was arraign'd upon an Indictment of High-Treason, for harbouring, concealing and relieving one *James Burton*, whom he knew to be a Traitor, &c. to which he pleaded *Not Guilty*; and the same Jury, that was for *Ring* continued.

To whom the Indictment being read, it was opened by Mr. *Phips*, and Mr. *Soliciter General*, and then the Record of the Outlawry of *James Burton* was produced; and the said *James Burton* being sworn, deposed, That he came to *London*, out of *Monmouth's Army* in the West, on Wednesday about three Weeks after the Rout; that he lodged two Nights with his Wife; and then she being acquainted, procured him a Lodging at *Fernley's*, where he lodg'd two Nights more, and was took there on *Sunday Night*. That he had been gone two Years before, being in the Proclamation for being with *Rumbold* at the *Mitre-Tavern* within *Aldgate*. That he saw not *Fernley* till *Sunday* at dinner, and then they discoursed of the Rout of *Monmouth's Army*.

Mrs. *Mary Burton* then swore, how she being acquainted with Mrs. *Fernley* procured a Lodging for her Husband there, not thinking him safe at home.

Then

Then Mr. *Reynolds* deposed, that he took *Burton* the beginning of *August* last, at Mr. *Fernley's* House, on a *Sunday* about eight a Clock at Night, up one pair of Stairs, who was got into the Chimney, and tumbled down, while he was there with the Soot about him; and one pair of Stairs higher, he took *Fernley* for harbouring him, who then said he knew not who *Burton* was. After this *Burton's* Pardon was produced and read, whereby he was rendred a Legal Witness.

Then the Prisoner said, he knew nothing of *Burton* till *Sunday* at dinner, and then he discoursed him about his Escape in the *West*; and that after dinner one Mr. *Gaunt* came to him, and told *Burton* he should get him a Passage in a day or two's time, and that he should take no care for Clothes or Money. That he designed to have acquainted a Magistrate with his being at his House the next morning, and because *Gaunt* said he would come again, he delayed (though he himself was a Constable) with a design to apprehend them both.—And to testify his Conversation, he called one Mr. *William Rush* a Distiller, who appearing; an Officer presently inform'd the Court he was a great *Whigg*; Nay, (said Mr. Justice *Withers*) if he be a *Whigg*, he cannot be a little one. Mr. *Rush* said, Mr. *Fernley* always demeaned himself well among his Neighbours, and was a good sober Man. Mr. Justice *Withins* again reply'd in Scorn, A *Wapping* Man, A sober *Wapping* Man. Then Captain *Haddock*, and Mr. *Dove* were called, but refused to come in. But Mr. *Whittal* came in, a Plumber, who being ask'd if he went to
D d Church,

Church, answer'd he did constantly : Yes (said Mr. Justice *Wubins*) there were a parcel of them that went constantly to Church *Trimingly*. Mr. *Whittal* testify'd to Mr. *Fernley's* sober Conversation, and that he went always to Church, and he never heard him speak against the Government.—The Prisoner then added that he was a poor Man, and owed Money, and he knew there was 100*l.* for securing *Burton*, and there was no Gain by concealing him ; which shew'd he had no design. After the Lord Chief Justice then had summ'd up the Evidence, the Jury withdrawing, brought the Prisoner in *Guilty*.

The Trial of Elizabeth Gaunt, the Wife of William Gaunt of St. Mary White-Chappel, Yeoman, at the Old-Baily, on Monday October the 19th, 1685.

THE Prisoner then and there appearing, was arraign'd upon an Indictment of High-Treason, for harbouring *James Burton*, and giving him five Pounds, whom she knew to be a *T*or, &c. To which she pleaded *Not Guilty*. And the Jury then sworn to try her, and Mr. *Cornish*, were these, after Mr. *Cornish* had challenged thirty five.

*Thomas Rawlinson,
Thomas Langham,
Ambrose Istead,
Thomas Pendleton,
John Grice,
Thomas Oneby,*

*William Clowdsley,
Richard Holford,
William Long-boat,
Steven Coleman,
Robert Clavel,
William Long.*

To whom the Indictment was read, and opened by Mr. *Phips* and Mr. Attorney General. And Mr. *James Burton* being sworn, declared how through *Keeling* he was with *Rumbold* at the *Mitre-Tavern* within *Aldgate*, where the killing of the King was discoursed of, which he refused to meddle in; and never therefore met but that one time; but after *Keeling* had discover'd, finding himself in the Proclamation, he absconded for two Months, and then Mrs. *Gaunt* procured him a Passage with *Rumbold*; but the Vessel being leakie he durst not venture; and so lay hid at his Daughter's several Months after; and then Mrs. *Gaunt* got him a Passage again, and so he got to *Amsterdam*; and she gave him about 5 *l.* and two Persons more went with him, whom she helped away. And this he supposes, she did for him, because her Husband had been with Capt. *Walcot* and him, about seizing of the Tower.

Then *Mary Gilbert* (*Burton's* Daughter) deposed that Mrs. *Gaunt* fetched her Father away, in order to send him beyond Sea.

Then Mr. *Burton* deposed, that Mrs. *Gaunt* came and proffer'd to convey her Husband away, &c.—And then *Burton's* Pardon was again produced.

To all which the Prisoner said very little ; only that she did not know that her Husband was concern'd in the Plot ; nor would she give any reason why she took so much care to send *Burton* away, but left it to the Jury ; who after the Lord Chief Justice had summ'd up the Evidence, brought her in *Guilty*.

The Trial of Henry Cornish Esq; before the Lord Chief Justice Jones, at the Sessions-House in the Old-Baily, on Monday October the 19th, 1685.

THE Prisoner then and there appearing, was arraign'd upon an Indictment of High-Treason, for conspiring the Death of the late King, and Subversion of the Government, &c. To which (after some Complaints) he pleaded *Not Guilty* : desiring his Trial might be deferr'd, he having had no notice till last Saturday at twelve a Clock, and he could get no Friend to him till eight at Night, and then he was permitted to speak with no body, but in the presence of the Goaler ; and had been allowed no Pen, Ink, or Paper. The Court here told him he ought to have none without leave given on a Petition preferred by him. He said his Children had petitioned the King the Night before to put off his Trial, and it was referred to the Judges ; and that he did not know whether he was committed for High-Treason against the
present

present or the former King; and that he had a material Witness in *Lancashire*, 140 Miles off. The Court told him they had no power to put off his Trial, and the King had left him to the course of the Law. He complained he had no Copy of the Pannel; but was answered, it was not his right to have it; and the Attorney General told him he had not deserved so well of the Government, as to have his Trial delayed. He desired then Pen and Ink, and having challenged thirty five, the Jury were sworn, which had passed upon Mrs. Gaunt.

To whom the Indictment was read and opened by Mr. *Phips* and Mr. Attorney General, and then Colonel *Rumsey* deposed that about the latter end of *October*, or beginning of *November*, the Earl of *Shaftsbury* desired him to go to Mr. *Shepherd's* House, where was a meeting of the D. of *Monmouth*, *Ld. Russel*, *Ld. Grey*, *Sir Thomas Armstrong*, *Mr. Ferguson*, and *Mr. Shepherd*. He came late, and they were just upon going away. He deliver'd his Message, and they told him that Mr. *Trenchard* had disappointed them. He had not been there above a quarter of an Hour, but Mr. *Shepherd* was called down, and brought up Mr. *Cornish*, who excused his not coming sooner; and said that he could not stay, for he was to meet about the Charter. Whereupon Mr. *Ferguson* opened his Bosom, from under his Stomacher pulled out a Paper. They told Mr. *Cornish* they had had it read, and desired to read it to him. Mr. *Ferguson* read it, while Mr. *Shepherd* held the Candle; and afterwards asking Mr. *Cornish* how he liked it, he

said he liked it very well. The Paper was a Declaration to have been dispersed when the Rising was, which was intended about that time ; and 2 Points he observed and very well remembered, the one was for *Liberty of Conscience*, the other for Restoration of Church or King's Lands, to them that would assist.

Mr. *Cornish* said he liked the Declaration, and what poor Interest he had he would join with it. That he had been acquainted with Mr. *Cornish* about 14 Years, and had had great concerns together ; he having returned 3 or 400000 *l.* for him, in 6 years Time, while he was Collector of the Kings Customs at *Bristol* ; that Mr. *Cornish* was a very honest Man ; and it was out of Compassion he had not accused him before.

Then *Goodenough* was sworn, and his Pardon read, who deposed, That there was a Design to rise in *London*, and the City was divided into 20 parts, and design'd out of each part to raise 500 Men ; who were to take the *Tower*, and drive the Guards out of Town. Before this was agreed on, by chance he was at Mr. *Cornish's* House (about the business of the Riot) and discoursing alone with Mr. *Cornish*, he said, The Law will not defend us, some other way was to be thought on. Mr. *Cornish* reply'd, he wondered the City was so unready, and the Country so ready ; that he reply'd, there was something thought to be done here, but that in the first place, the *Tower* ought to be seized, where the Magazine is ; Mr. *Cornish* paused a little, and said, I will do what good I can, or what I can, or to that purpose. He afterwards met Mr. *Cornish* on
the

the *Exchange*, who asked him how affairs went ? to which he gave a general Answer, that not being a Place to talk in, of such Discourse.

To this the Prisoner said, It was strange that Col. *Rumsey* seeing him at *Shepherd's* about such a thing, should never mention it to him afterwards, so often as he saw him. Protesting his ignorance, and appealing to God ; urging the Improbability ; and adding that *Rumsey*, at the Lord *Russel's* Trial, swore, that he had nothing else to swear against any Man. And against *Goodenough* he urg'd the ill Opinion he had of him, and that he never was with him but about the Business of the Riot, which he manag'd as their Attorney. And I tell you, said Mr. Justice *Withens* then, that was a Branch of the Plot ; take that from me. Then Mr. *Gosfright* testified, that Mr. *Cornish* opposed Mr. *Goodenough's* being Under-Sheriff, and said he would not trust an hair of his Head with him ; he was so ill a Man, obnoxious to the Government, and had done ill things ; and he believ'd Mr. *Cornish* and Mr. *Goodenough* were never reconcil'd upon it.

Alderman *Love*, and Mr. *Jekyl* testified to the same purpose ; which the Ld. *Ch. Just.* had scarce Patience to hear, saying, it was all impertinent, and Mr. Just. *Withens* said of Mr. *Jekyl*, This Gentleman was in a limb of the Plot himself, as great a Rioter, and as hot as any of them.—Sir *William Turner* then testified to Mr. *Cornish's* aversness to *Goodenough's* being Under-Sheriff. Mr. *Cornish* then call'd Dr. *Tillotson* and Dr. *Sharp* to testify as to his Conversation, but neither appear'd. Mr. *Lane* then testify'd that in the

Printed Trial of the Lord *Russel*, *Rumsey*, swore he did not hear the Declaration read ; but he not hearing it himself, that was no Evidence. Then Dr. *Calamy*. the Minister of his Parish, testify'd that he did come often to Church and receive the Sacrament. Then also Mr. *Reeve*, Mr. *John Cook*, Mr. *John Knap*, Mr. *Carlton*, Mr. *Joseph Smart*, and Mr. *William Crouch*, all testify'd, as to his Conversation, and Loyalty ; whence he argu'd the Improbability that he should be so concern'd. After which the *Ld. Chief Justice* summ'd up the Evidence, and the *Jury* withdrew, and after a considerable time returned. And then the Prisoner begg'd one Word, desiring to call Mr. *Shepherd*, whom out of tenderness to offend, he had omitted, though he had him in his Note ; which with much ado was granted him, as a great favour of the Court. And then Mr. *Shepherd* testify'd, that he was *Subponed* by Mr. *Cornish* before by the King ; and was desired by Mr. *Cornish's* Son to be at his Trial, and had been attending in Court from eleven to three. That Mr. *Cornish*, at one of those Meetings at his house came to speak a few Words with the Duke of *Monmouth*, or some other ; he could not be positive, it being so many years ago ; that he stay'd not above half a quarter of an hour in the house ; and that there was not one word read, nor no Paper seen while he was there ; and that he never was at his house but once when the Duke of *Monmouth* was there ; nor does he remember that *Rumsey* was there while he was ; nor that the Declaration was read that night. He remembred a Declaration
was

was read, which *Ferguson* pull'd out of his Shoe, but was positive *Cornish* was not by, because he was not look'd upon to be one of the Company. That there was now an Accompt depending between him and Mr. *Cornish*, whereon there was about one or two hundred Pounds due to Mr. *Cornish*. Then Mr. *Sol. Gen.* sum'd up the Evidence. And the *Jury* withdrawing for a short time, brought Mr. *Cornish* in Guilty, and found 140 *l.* for the King, in Mr. *Shepherd's* hands.

Then Mr. *Recorder* sentenced the Prisoners; Mrs. *Gaunt* to be burnt, and the other 3 to be drawn, hang'd and quarter'd; which was accordingly executed upon them; and Mr. *Cornish* was hang'd, in *Cheapside* over against *Kings-street*, on Friday, October 23, 1685. and his Quarters afterwards put up in several Places, and his Head upon the *Guild-Hall*; where it stood till the tidings of the Dutch Invasion, summon'd it, with the other Quarters, into the Grave; after they had been expos'd in that infamous manner the space of 3 Years.

The Trial of Henry Baron Delamere, in Westminster-Hall, before George Lord Jefferies, constituted Lord High-Steward on this Occasion, on Thursday Jan. 14, 1685.

Then and there the Court being met ; the Lord High-Steward's Commission was first read, and the Staff being carried between *Gar-ter King at Arms*, and the *Gent. Usher of the Black Rod*, was with 3 Reverences delivered upon the knee to his Grace, and by him redelivered to the *Gent. Usher of the Black Rod*, to hold during the Service.

Then Proclamation was made by a Serjeant at Arms, for all Persons present, except Peers, Privy Councillors, and the reverend Judges now assistant, to be uncovered ; and for all to whom any Writ had been directed for the certifying of any Indictment before his Grace, to bring in the same forthwith.

After which *Sir Edward Lutwich* deliver'd in his Writ and Return, which were read. And then the *Lieutenant of the Tower* was call'd to bring his Prisoner to the Bar ; which having done, *Sir Roger Harsnet, Serj. at Arms*, was called to return the Names of the Peers which he had summon-ed ; who were then called over by the *Clerk of the Crown*, and those that appeared were these following, who standing up uncovered, answered to their Names, each making a Reverence to the Lord High Steward.

Lam-

Lawrence Earl of Rochester, Lord High-Treasurer of England.

Robert E. of Sunderland, Lord President of His Majesties Privy-Council.

Henry Duke of Norfolk, Earl-Marshal of England.

Charles D. of Somerset.

Henry D. of Grafton.

Henry D. of Beaufort, Lord President of Wales.

John Earl of Mulgrave, Lord Chamberlain of His Majesties Household.

Aubrey E. of Oxford.

Charles E. of Shrewsbury.

Theophilus E. of Huntingdon.

Thomas E. of Pembroke.

John E. of Bridgwater.

Henry E. of Peterborow.

Robert E. of Scarsdale.

William E. of Craven.

Louis E. of Feversham.

George E. of Berkley.

Daniel E. of Nottingham.

Thomas E. of Plimouth.

Thomas Viscount Falconberg.

Francis Viscount Newport, Treasurer of His Majesties Household.

Robert Lord Ferrers.

Vere Essex Lord Cromwell.

William Lord Maynard, Comptroler of His Majesties Household.

George Lord Dartmouth, Master-General of His Majesties Ordinance.

Sidney Lord Godolphin.

John Lord Churchill.

The

The Lord *High Steward* then having acquainted the Prisoner with the occasion of this meeting, order'd the Bill of Indictment to be read ; which was done twice, at the Prisoner's desire. And then the Prisoner deliver'd in his Plea to the Jurisdiction of this Court, that he ought to be tried by the whole Body of the House of Peers in Parliament, the Parliament still continuing, being under a Prorogation and not dissolved, and because there was some agitation of the matter concerning this Prosecution, upon his Petition in the House of Lords, &c. To which the Attorney General answer'd, that the Plea was not good, there never having been so much as any Indictment returned there, nor found during the Session of Parliament ; besides, that the Plea was in Paper and English.—The Prisoner then desired Counsel, to put it into Form. But it being a Plea against the Jurisdiction, no time could be allowed ; and the Prisoner having no Counsel ready to plead, his Plea was over-ruled ; and he pleaded *Not Guilty*.

After which the Lord *High Steward* gave the Charge to the Peers, and Sir *Thomas Jenner*, Recorder of *London*, opened the Indictment, and Mr. Attorney General the Evidence.

And then the Lord *Howard* was first sworn, Who gave the same account about the Earl of *Shaftsbury's* design'd Insurrection, as before he had done at the other Trials, where he was a Witness (to which therefore the Reader is referred).

The Lord *Grey*, deposed that *Cheshire* was one of the Places pitch'd upon for the Rising,
and

and for that end the Duke of *Monmouth* went his Progress into those Parts to make his Interest there, and that the Prisoner was one he was directed to advise with.—That after the late King's Death the Duke of *Monmouth* was at *Amsterdam* with the Lord *Argyle*, where there was an Account given of the Design that was in Hand, of an Insurrection in *Scotland*; and at that time came over to *Holland* Mr. *Crag* from Major *Wildman*, to promote and recommend a Reconciliation between the Duke of *Monmouth* and the Lord *Argyle*, who till that time had acted in separate Interests; giving some account that Means and Money were prepared. This encouraged the Duke of *Monmouth* to send Capt. *Matthews* into *England*, to Major *Wildman*, to desire him to acquaint several Persons, among whom the Prisoner was one, that he was designed to join the Lord *Argyle*. When *Crag* return'd to the Duke, he gave an account that Major *Wildman* had convers'd with these Persons, and that their Opinion was, that the Duke should go for *Scotland*; whereby they might know the strength of the Enemy here, by their sending to suppress the Rebellion there; and also that Major *Wildman* desired the Duke to bring over with him a Broad Seal to seal Commissions with, and to take upon him the Title of King.—That soon after *Crag's* return, *Jones* came with a Message to the Duke from *England*, and was sent back shortly after by the Duke, with a Letter of Instructions. And the Duke intended first to have landed in *Cheshire*, he very much depending upon that County; but afterwards considering

sidering that the Persons there being of great Quality and Interest in their Country, and able to manage it without his Assistance, he chose rather to land in the *West*, the Friends he relied on there not being of that Quality.

Mr. *Nathaniel Wade* deposed that at *Amsterdam*, soon after the Death of the late King, the Duke of *Monmouth*, and the Lord *Argyle* had a Consultation together, and agreed, that at the same time the Lord *Argyle* made an Insurrection in *Scotland*, the Duke should invade *England*. For which end the Duke sent Capt. *Matthews* into *England* to acquaint his Friends, (among whom he heard the Lord *Delamere* named) to be ready for his Assistance. *Crag* was sent over for Money, but could get none, and therefore the Duke sent him over again to pawn his Jewels, and get what Money he could, wherewith he fitted out 3 Ships, laden with Ammunition; and having before ordered his Friends to repair to their own Countries to be ready, he set Sail, and landed at *Lyme*, and ordered his March so, as that he might most conveniently meet with his *Cheshire* Friends. In pursuance whereof they came to *Keinsham* Bridge, where a Party of the Kings Horse set upon them, of whom they took some Prisoners, and thereupon thought it advisable not to let the Kings Army joyn together, but to go back and engage those that were already come together, which was the reason they did not go over the Bridge.

Mr. *Richard Goodenough* deposed, that he was beyond Sea with the Duke of *Monmouth*, and that *Jones* was sent (among other Persons) to the
Lord

Lord *Delamere*, to give him notice to be ready, and take care he was not seized in Town; and that he heard the Duke say that he hoped my Lord *Delamere* would not break his Promise with him.

Jones deposed, that he went into *Holland* the latter end of *April* last, and by him *Mr. Disney* sent a Message to the Duke of *Monmouth*, to desire him to keep to the last Conclusion which he would find in a Letter sent to him by the Crop-hair'd Merchant: which Message was, that his Friends in *England* would not by any means have him come for *England*, but that he should continue where he was, or if he thought good to go for *Scotland*, they approved of it. This Message he deliver'd to the Duke at *Amsterdam*, which put him into a great Passion, saying, this was *Wildman's* work, who was a Villain; and that it was too late to send a Message now, for he was resolved for *England*, and *Wildman* should hang with him, or fight for it with him; and that he should not think to tye up his Hands, by tying up his own Purse. Sending another Message by him, when he returned for *England*, which was *May 22d.* to Capt. *Matthews* or Major *Wildman*, to desire them to acquaint the Earl of *Macclesfield*, the Lord *Brandon*, and Lord *Delamere* with his Design of coming for *England*, and that they should repair to their Posts to be ready for him; delivering to him a Writing sealed up, which he was not to open till he came to Sea; which when he opened, he found it contained a Signification of the Place where he was to land, and where he was to rendezvous, which was *Taunton*, and
who

who were the Persons that were to have notice of it, among whose Names was the Lord *Delamere's*. That when he came to *London*, which was *May 27th*, he could meet with neither Capt. *Matthews* nor Major *Wildman*, who were out of Town, and therefore he acquainted Mr. *Disney* with his errand, who promised to take care that it should be delivered.

Story (who was Commissary General under the Duke of *Monmouth*) deposed, that on *May 28th*, one *Brand* told him, that the day before *Jones* was returned out of *Holland*, with a Message to Capt. *Matthews*, but he being absent *Disney* received it, and discoursed that Evening with the Lord *Delamere*, and that my Lord went out of Town that Night, with 2 Friends that convey'd him by a By-way through *Enfield Chase* towards *Hatfield*.—That this *Brand* was kill'd at *Keinsham* Bridg.—That at *Shepton Mallot* he heard the Duke of *Monmouth* say, that his great Dependance was upon the Lord *Delamere* and his Friends in *Cheshire*, but he fear'd they had failed him or betray'd him; and that he could have been otherwise supply'd, but that he had a Dependance upon them.

Vaux deposed, That on *May 26th*, the Lord *Delamere* sent for him to the *Rummer* in *Queens-street*, and that the next Night he rid out of Town with him about 9 or 10 a clock at Night; and got to *Hoddesden* about 12; and the next day he brought him to *Hitchin*, and so came back again. That my Lord went by the name of *Brown*, and said he was going to see his Son that was sick in the Country.

Mr.

Mr. *Edlin* deposed, that on *May 27th*, Mr. *Vaux* asked him if he would ride with him as far as *Hitchin*, which he promised to do; and they set out about 9 that Night, and went to *Hoddesden*, one Mr. *Brown* being in their Company, whom he had never seen before, but now knew to be my Lord *Delamere*, who told them he was going to see a Sick Child.

Mr. *Panceford* depos'd that he was at Mr. *Disney's* on *June 14th* last, where the Duke of *Monmouth's* Declarations were a Printing (for printing whereof *Disney* had been Executed) and one *Joshua Lock* was there waiting for some, which he said he was to send into *Cheshire* to one Mr. *Brown*; which he understood to be the Lord *Delamere*, having heard Mr. *Disney* call him by that Name, and Mr. *Edlin* having told him how he went by that Name when he rid with him to *Hitchin*. But also he had heard that Mr. *Vermuyden* went also by that name of *Brown*.

Mr. *Babington* deposed that in their Consultations there were Discourses of my Lord *Delamere* under the name of *Brown*; and once at a Tavern, about the latter end of *May* last, when my Lord *Delamere* was named by one in the Company, he was presently catch'd up for it, and replied to, You mean Mr. *Brown*. That, being also at *Disney's* while the Declarations were a Printing, he heard one say a great many of them were to be sent into *Cheshire* to my Lord *Delamere* under the name of *Brown*.

Mr. *Hope* (Master of the Three-Tuns in Coventry) deposed, that the Lord *Delamere* came Post to his House, he believed 5 times, from

the Sunday Sev'night before the Coronation, to June 21, following.

Then *Thomas Saxon* depofed, that on June the 3^d or 4th he was fent for by a Man that had but one Hand, to my Lord *Delamere's* Houfe (*Mere*) in *Cheshire*, where he came when it began to be dark; and was conveyed by the Man that fetch'd him into a lower Room, where were my Lord *Delamere*, Sir *Robert Cotton*, and Mr. *Crew Offley*, and they told him, that he had been recommended to them by the Lord *Brandon*, who had faid, he was an honeft ufeful Man, and they hoped he would prove fo: For they had fent to the D. of *Monmouth* who was in *Holland*, and received an Answer by one *Jones*, which as foon as they had, my Lord *Delamere* came away Poft into the Country under another Name, and by being conveyed through *Moorfields* came down to raife 10000 Men for the Duke in *Cheshire* by June 1. But now they had confidered of it, and found they could not raife them till *Midsummer*, for that they muft have time to raife 40000*l.* in that Country to maintain the Men. That they asked him if he would undertake to carry a Message to the Duke? that he faid he would. Whereupon the Lord *Delamere* gave him 11 Guinies, and 5 pound in filver for his Journey. After which he hired him an Horfe, and did deliver the Message.—That he never had any Concern before with the Ld. *Delamere*; but that the Lord *Brandon* told him, that they muft make ufe of fuch as he, to inform the Country of the time of Riling; his acquaintance abounding that way, being a publick Trades-man in *Middlewich*. Here

Here the Evidence for the King ceasing, the Prisoner was called upon to make his Defence. But it beginning to be late, the Prisoner begg'd the Court might be Adjourned till the morrow. But the Lord *H. Steward*; doubted it could not be done by Law, this not being a Trial in full Parliament, (where the Case was evident:) But this Court he took to be of the same Nature, though of a Degree higher, with the other Ordinary Courts of Judicature, where there could be no Adjournment after Evidence given; But for satisfaction the Judges were ordered to withdraw to Consult, which they did; and then the Lords *Nottingham* and *Falconbridge* moved, that the Peers ought to be the Judges hereof, because it concerned their Priviledg; and so it was also permitted for them to withdraw. And after about half an hour the Judges returned, and after an Hour the Peers. And then the *Ld. Ch. Justice Herbert* deliver'd the Opinion of the Judges, that this Matter being wholly new to them, they could not determin, but only tell what the Law was in Inferiour Courts in Cases of the like Nature, and the Reason of the Law in those Points, and then leave the Jurisdiction of this Court to its proper Judges. After which the *Ld. H. Steward* told them, he was the only Judg of that Court, and therefore he was to determin it; shewing of what ill Consequence the Adjournment of the Court might prove, if it should happen to be illegal, and therefore he ordered the Prisoner to proceed.

The Lord *Delamere* therefore did begin his Defence, in Proteſting his Innocency, and Re-

flecting on the Loyalty of his Family; particularly his Father, who had been so signally instrumental in the Restoration of the Royal Family, that the late King caused it to be inserted in the Patent which created his Father a Peer; which Clause he read out of the Patent to the Court.—And as to the Evidence against him, he observed, that it was all but Circumstantial, and by hear-say only, except that of *Saxon's*; and therefore he apply'd himself particularly against that, and called his Witnesses.

Mr. Richard Hall testify'd how in 1683, *Saxon* counterfeited a Letter in the Name of one *Richard Hildage*, to him for 6*l.* which he ow'd him; and *Saxon* brought the letter, and received the Mony; and afterwards *Hildage* demanded the Mony, denying that he ever writ for it.

Mr. Francis Ling declared, how this *Saxon* received 25*s.* at this same *Hildage's* at *Newcastle*, for *Mrs. Wibbram*, without her order, nor did she ever receive any of it.

Richard Shaw declared, how he also forg'd a Letter in *William Paugston*, a Bayliffs Name, and sent it to him, because he owed him a little Mony.

Peter Hough declared how *Saxon* cheated him, in making him of a Bond for 20*s.* less than was due from *Saxon* to him; reading it false to him at the sealing.

Edward Wilkinson declared, that *Saxon* hired his Horse, *June 23d* last, for only three days, at 12 Pence a Day, but he never came again, nor had he had any satisfaction for his Horse (it being supposed this was the Horse he rid into the Rebellion with).

William

William Wright said, he had had dealings with *Saxon*, but never found him so good as his Word.—Then the Prisoner went off from this part of the Evidence, to prove that neither *Sir Robert Cotton*, nor *Mr. Offley Crew*, nor himself were in *Cheshire*, at that time *Saxon* had sworn he saw them at *Mere* together.

And to this end, one *Billing*, *Margaret Davis*, *Mrs. Sidney Lane*, *Charles Reeves*, *Mr. Ashburnham*, *Sir William Twisden*, and *Mr. Heveningham* did all sufficiently testify that *Sir Robert Cotton* was in Town about that time; and some of them (being his own Servants) that he was never in *Cheshire* since *April 6th* last, nor never out of *London* till after *June*.

As to *Mr. Offley Crew*, *Sir Willoughby Aston* declared every day particularly where he was, from *May 26.* to *June the 4th*, on which day he went from *Sir Willoughby's* House homeward.

Mr. Gregory, and *Thomas Kid* (his Servants) testified, that he went directly Home to *Crew-Hall* in *Cheshire* that Night, and was not at *Mere*, it not being in his way at all.

As to the Prisoner himself, *Mr. Booth* (one of his Brother's) declared that he saw his Brother in Town, *June 3, 4, 5, 6,* and so on to *June 10.* till he went out of Town himself.

And another of his Brothers (*Mr. George Booth*) said, he saw him in Town the *4th*.

And the Lord *Lovelace* testified that he saw him the *5th* of *June* in the House of Lords at the Lord *Macclesfield's* Trial against *Mr. Fitton*.

After it was thus cleared, that none of them were where *Saxon* had sworn they were at that time;

time; the Prisoner shew'd the incredibility of his Evidence, and proceeded to give an account of his going down so often, and so speedily. That the first time he went, (which was betwixt the Coronation and the sitting of the Parliament) was to take Possession of a Lease, worth 6 or 7000*l.* renewed to him by the Bishop of *Chester*, of whose illness he had notice; and this he proved by Mr. *John Edmonds* who said he was a Witness of his taking possession, *May 5th* and by Mr. *Henry*, who was *Attorney*, and delivered him Possession at the same time.— And for his going out of Town *May 27th* the occasion of it was, to see a sick Child of his; and he went so suddenly and privately, because he heard there was a Warrant out to apprehend him. But while he was at *Mere*, his Wife sent him an Express, that as to the Warrant she hoped it was a Mistake, but that his eldest Son was very ill, and if he intended to see him alive, he must make hast up. He came but to his House in *Cheshire* on Sunday *May 31.* Whence he came on Tuesday morning *June 2d*, and on Wednesday the *3d*, he was in Town.

To prove all this Mrs. *Kelsey* (who was his Servant) said, my Lord told her there was a Warrant out for him, which occasioned his coming, and moreover his Childs illness.

The Lady *Delamere* (his Mother) testified the illness of his Child in the Country.

Mr. *Kelsey* testified his coming to *Mere* on Sunday Night, and going thence on Tuesday Morning, and that he had Letters dated *June 4.* which gave an account my Lord got to *London* the Night before.

And

And Sir *Thomas Millington* testified the illness of his Son in Town; on *May 28.* he being sent for to him, and remembring the time, by the date of his Bills.

After this the Prisoner summ'd up his Evidence, and concluded very handsomly and judiciously his Excellent Defence.

Then Mr. Sol. Gen. having summ'd up the Evidence, and the Lord High Steward speaking a few words to this Point of Law which the Prisoner, in his Defence, seemed to urge, *That there is a necessity of two Positive Witnesses to convict a Man of Treason,* and shewing his Mistake about it: The Peers withdrew for about half an hour (the Prisoner being taken into a little Room appointed for him at the entrance into the Court) and then being returned, their appearance was took by a Serjeant at Arms, and their Verdict took by the Lord H. Steward, *Seriatim*, beginning with the Puisne Peer, who all declared the Prisoner *Not Guilty upon their Honour's.* Which the Lord H. Steward acquainted him with, being then call'd for to the Bar; and discharged.

Upon which my Lord *Delamere* replied,
 " That he should pray to Almighty God, to be
 " thankful to him for his Mercy, and to my
 " Lords for their Justice; and pray'd God to
 " deliver their Lordships, and all honest Men,
 " from Wicked and Malicious, Lying and False
 " Testimony; and pray'd God to bless his Majesty, and that long he might Reign. And I
 " pray God (added the Lord H. Steward) to

“continue to him his Loyal Peers, and all other
“his Loyal Subjects.

Then a Serjeant at Arms having made Proclamation to Dissolve the Court, the Lord High Steward took the White Staff from the Usher of the Black Rod, and holding it over his Head, broke it in two.

A Narrative of all the Proceedings against Henry Lord Bishop of London, in the Council-Chamber at White-Hall, by the Lords Commissioners appointed by his Majesty to inspect Ecclesiastical Affairs. On Wednesday, Aug. 4. 1686.

Present in Council,

Lord Chancellor.

Lord Bishop of *Durham*.

Lord Treasurer.

Lord Bishop of *Rockester*.

Lord President.

Lord Chief Justice *Herbert*.

UPon my Lord Bishop's then and there appearing before them, according to a Summons sent unto him, the Lord Chancellor *Jefferies* ask'd him, Why he did not suspend *Dr. Sharp* when the King commanded; and sent him express Order so to do, and told him what it was

was for, viz. for preaching Seditiously, and against the Government? The Bishop answered, That if he had done amiss, it was not a wilful Fault, and that he had took the best Advice he could get, and was inform'd he could not do it legally, but by way of Express and hearing him. That he was not provided with such a Defence as he might have been, not knowing what would be laid to his Charge; and therefore desired some time, and a Copy of their Lordships Commission, and of his Charge. But his having a Copy of their Commission denied him, (it being already publickly abroad) he desired either to read, or hear it read.

Hereupon the Bishop, and all the Company, were desired to withdraw; and returning within about a quarter of an hour, the Chancellor told him, All the Commissioners were of Opinion, that his Request was not to be granted, it being unreasonable: But they were willing to allow him more time; the Bishop therefore prayed that he might have till the beginning of the next Term; but a Week vvas thought enough, and so they adjourn'd only until Monday next, *Aug. 9. 1686.*

Then and there the Bishop came, attended with his Nephew the Earl of *Northampton*, his Brother-in-Law Sir *John Nicholas*, and his Brother Sir *Francis Compton*, &c. There being present in Council the same as before. The Chancellor told him, they vvere now ready to hear his Reasons. But the Bishop replied, He vvas not so ready as he might have been, because he could not light of the Commission to see it until last Night, tho he
imployed

employed all his time to search for it; and he had not had time since to take Advice vvhhat to answer; and that his Counsel vvas out of Town in vvhom he thought to confide. Then vvithdrawing for a quarter of an hour, the Chancellor told him, They vvould not admit of any quarrelling vvith their Commission, for that they were well assured of the Legality of it: But asking him what Time he desired, at his request they granted him a Fortnight, and adjourned.

It vvvas observed, that vvhen the Bishop spake concerning the Commission, Sir *Thomas Clarges* spake aloud, saying, *VVell put, well put; my Lord speaks nothing but Truth.*

There vvvas also another Gentleman, Sir *John Lowther* of *Lincolnshire*, vvho as he vvvas coming away in the Crowd, said, *There are some who have represented me as a Papist, but the contrary shall appear; I will not be afraid nor ashamed to vindicate my Lord Bishop of London's Cause, before the Commissioners themselves.*

Tuesday, *Aug. 24. 1686.* There being present in Council the same as at first; the Lord Bishop attending, and being asked, what he had to say? after some Apology for vvhat he vvvas about to say, he said, His Counsel tells him, that their Proceedings in this Court, are directly contrary to the Statute-Law, and vvvere there ready to plead it if their Lordships vvould admit them. But the Chancellor told him, they vvould neither hear him nor his Counsel in the Matter, they being satisfied of the Legality of their Commission. Then the Bishop urged, that their Commission, he conceived, did not extend

to the Crimes laid to his Charge; for they were to censure Faults vvhich are committed: But this that he vvvas accused of, vvvas before the Date of their Commission.

The Chancellor confess'd there vvvas such a Clause, but that those vvvere general Clauses that take in things past as vvell as future.

Then the Bishop protesting in his own Right, to the Laws of the Realm, as a Subject; and the Rights and Priviledges of the Church, as a Bishop; he would, vvith their leave, give them his Answer. Which vvvas accepted; and the Bishop vvwithdrew, and left Dr. *Sharp's* Petition, which Dr. *Sharp* carried on Sunday, *June 20. 1686. to Windsor*, and was not admitted to be read. Which is as follows.

*To the King's most Excellent Majesty, the humble
Petition of John Sharp, Clerk, sheweth,*

“ **T**Hat nothing is so afflictive to your Petitioner, as his unhappiness to have incurred your Majesty's Displeasure; vvhich he is so sensible of, that ever since your Majesty vvvas pleased to give notice of it, he hath forborn all publick Exercise of his Function, and still continues so to do.

“ Your Petitioner can vvith great sincerity affirm, That ever since he hath been a Preacher, he hath faithfully endeavoured to do the best Service he could in his Place and Station, as vvell to the late King, your Royal Brother, as to your Majesty, both by preaching and otherwise.

And

"And so far he hath always been, from vent-
 "ing any thing in the Pulpit tending to Schism
 "or Faction, or any vvay to the disturbance of
 "your Majesty's Government, that he hath up-
 "on all Occasions in his Sermons, to the utmost
 "of his Power, set himself against all sorts of
 "Doctrines and Principles that look that vvay :
 "And this he is so vvell assured of, that he can-
 "not but apprehend that his Sermons have been
 "very much misrepresented to your Majesty.

"But if in any Sermon of his, any Words or
 "Expressions have unwarily slipp'd from him,
 "that have been capable of such constructions,
 "as to give your Majesty cause of Offence; as
 "he solemnly professes he had no ill Intention
 "in those Words or Expressions, so he is very
 "sorry for them, and resolves for the future to
 "be so careful in the discharge of his Duty, that
 "your Majesty shall have reason to believe him
 "to be your most faithful Subject.

"And therefore he earnestly prayeth, that
 "your Majesty, out of your Royal Grace
 "and Clemency, vvould be pleased to lay
 "aside the Displeasure you have conceived
 "against your humble Petitioner, and re-
 "store him to that Favour vvhich the rest
 "of the Clergy enjoy under your Majesty's
 "gracious Government.

So shall your Petitioner ever pray, &c.

This being read, the Bishop return'd, and
 the Chancellor told him, they were not con-
 cerned in it; and asked him, If he desired his

Answer

Answer should be read? The Bishop said, Yes; saying, that what he did therein, was by Advice of Counsel, and therefore hoped would not be interpreted to be done maliciously or obstinately: And that in effect he did what the King commanded to be done, having advised Doctor *Sharp* to forbear Preaching, till his Majesty had received Satisfaction concerning him; and accordingly that he had forborn in his Diocess. Then the Bishop's Paper was read, which contain'd the King's Letter, and Bishop's Answer thereto.

*The King's Letter, Dated Monday July 14. 1686.
Delivered at Fulham on Thursday, June 17. in
the Afternoon, by Mr. Atterbury the Messenger.*

JAMES R.

“ Right Reverend Father in God, We greet
“ you well. Whereas We have been in-
“ formed, and are fully satisfied, that Dr. *John*
“ *Sharp*, Rector of the Parish Church of *St. Giles*
“ *in the Fields*, in the County of *Middlesex*, and
“ in your Diocess, notwithstanding Our late
“ Letter to the most Reverend Fathers in God,
“ the Arch-Bishops of *Canterbury* and *York*, and
“ Our Directions concerning Preachers, given at
“ Our Court at *White-hall*, *March 15. 1685.* in
“ the Second Year of Our Reign; yet he, the
“ said Dr. *John Sharp*, in contempt of the said
“ Orders, hath, in some of the Sermons he
“ hath since preached, presumed to make unbe-
“ coming Reflections, and to utter such Expres-
“ sions

"sions as were not fit or proper for him; en-
 "deavouring thereby to beget in the Minds of
 "his Hearers, an evil Opinion of Us and Our
 "Government, by insinuating Fears and Jealou-
 "sies, to dispose them to Discontent, and to lead
 "them into Disobedience and Rebellion. These
 "are therefore to require and command you, im-
 "mediately upon receipt hereof, forthwith to su-
 "spend him from further Preaching, in any Pa-
 "rish Church or Chappel in your Diocese, until
 "he has given Us Satisfaction, and Our further
 "Pleasure be known herein. And for so doing
 "this shall be your Warrant: And so We bid
 "you heartily farewell. Given at our Court at
 "Windsor, June 14. 1686. in the Second Year
 "of Our Reign. By His Majesty's Command.

SUNDERLAND.

*The Bishop of London's Answer, sent by Dr. Sharp
 to the Earl of Sunderland, then at Hampton-
 Court, on Friday, June 18. Who could have no
 Answer.*

*To the Right Honourable the Earl of Sunderland,
 Lord President, &c.*

My Lord;

"I Always have, and shall count it my Duty,
 "to obey the King in what-ever Commands
 "he lays upon me, that I can perform with a
 "safe Conscience: But in this, I humbly con-
 "ceive I am obliged to proceed according to
 "Law; and therefore it is impossible for me to
 comply,

“ comply, because though his Majesty commands
“ me only to execute his Pleasure; yet in the
“ Capacity I am in to do it, I must act as a
“ Judg; and your Lordship knows no Judg con-
“ demns any Man before he has knowledg of
“ the Cause, and has cited the Party. However
“ I sent to Mr. Dean, and acquainted him with
“ his Majesty's Displeasure, whom I find so ready
“ to give all reasonable Satisfaction, that I have
“ thought fit to make him the Bearer of this
“ Answer: From him that will never be unfaith-
“ ful to the King, nor otherwise than,

My Lord, Your Lordships most
humble Servant,

H. LONDON.

After this the Chancellor ask'd the Bishop, if he had any more to say? Who then desired his Counsel might be heard, by whom they would have more clear and full Satisfaction concerning what he had said. Whereupon the Bishop was desired to withdraw; and after half an hour he and his Counsel were called in, who were Dr. *Oldish*, *Hodges*, *Price*, and *Newton*.

Dr. *Oldish* pleaded, That the King's Letter did not take cognizance of the Cause; so that it could not be an absolute Suspension, because that supposeth a Proof of the Crime charged upon him.—That there was no such word in their Laws, as *suspend from Preaching*, which therefore must be meant silencing; and this the
Bishop

Bishop did, and in such a Method as is observed in their Courts.

Dr. *Hodges* then pleaded, That the Bishop had done what the King commanded ; and that he could not Suspend, which is a Judicial Act, without first a Citation and Hearing ; which is the Method of proving before all Courts ; and appeared to be so in this, otherwise the Bishop needed not to have been cited before them. And that in returning the King an Answer, why he did not do what he commanded him, he did but what was his Duty, and what was Law.

Dr. *Price* pleaded that a Citation was *Jure Gentium*, and could never be taken away by any Positive Command or Law whatsoever ; that therefore the Bishop had obeyed the King so far as he could, in that he had silenced the Doctor ; the Advice of a Bishop being in some sense an Admonition, which is a Judicial Act, and was given by the Bishop, and obeyed by the Doctor.

Dr. *Newton* pleaded, that the Bishop had obeyed the King : for as in Nature no Man can be desired to do what is impossible, so no Man can be obliged to do an unlawful Act ; which Suspension, without Citation and Hearing, is. — That the Bishops are *Custodes Canonum*, and therefore must not break them themselves. — That he had done what was in his Power to do, and it was in effect what the King commanded to be done : For where he did *Rescribere*, and heard not the further Pleasure of the King returned, he ought to conclude, the King was satisfied with what he had written, according

to his Duty, and the King had altered his Commands.

Then the Bishop of *London* said, If he had erred in any Circumstance, he was very ready to beg his Majesties Pardon, and would be ready to make any reparation he was capable.

After which the Bishop withdrew for half an Hour, and then being called in, was desired to attend the Court again on *Sept. 6.* So the Bishop desiring that care might be took concerning the Minutes taken by the Clerks of what passed, that he might not be misrepresented to the King by the Mistake of the Pen-man, he went away.

While the Counsellors were pleading, Dr. *Pinfold*, the King's Advocate, stood at the Chancellor's Elbow and took Notes, by which it was expected that he should make a Reply, but he said nothing; and 'tis supposed that he staid with the Council, when the Bishop withdrew, and gave them Reasons for his silence.

On Monday *Sept. 6. 1686.* There being present in Council the same as before; and the Bishop appearing, he was desired to sit down, and hear his Sentence, which (to prevent Mistake) they had ordered to be put in Writing. The Bishop then would have spoke, but was not suffered. And then Mr. *Bridgman*, their Register, read the Instrument whereby the Bishop of *London* was suspended from the Execution of his Episcopal Office, upon pain of Deprivation, during his Majesties Pleasure; sealed with their Seal, but signed by no Body at all.

And some days after, one of the Messengers attending the Court, delivered to the Dean of *St. Pauls* a Warrant from the Ecclesiastical Commissioners, to cause this Sentence to be affixt on the Door of that Chapter-House; and to certify them of the due Execution hereof. Dated *Septemb. 28, 1686.* and sealed with the same Seal as the Sentence (which was annexed thereto) but no Persons Names. Subscribed, *To the Dean and Chapter of London.*

The Proceedings and Trial in the case of the most Reverend Father in God William Lord Arch-bishop of Canterbury; and the Right Reverend Fathers in God, William Lord Bishop of St. Asaph; Francis Lord Bishop of Ely; John Lord Bishop of Chichester; Thomas Lord Bishop of Bath and Wells; Thomas Lord Bishop of Peterborough; Jonathan Lord Bishop of Bristol; in the Court of Kings-Bench at Westminster in Trinity-term, in the 4th Year of the Reign of King James the 2d. Annoq; Domini 1688.

THESE Peers were present, on Friday *June* the 15th 1688, when the Lords, the Arch-bishop and Bishops, were brought into Court from the Tower, upon the *Habens Corpus*, Viz.

Ld. Marq. of <i>Hallifax</i> ,	Earl of <i>Carlisle</i> ,
Ld. Marq. of <i>Worcester</i> ,	Earl of <i>Danby</i> ,
Earl of <i>Shrewsbury</i> ,	Earl of <i>Radnor</i> ,
Earl of <i>Kent</i> ,	Earl of <i>Nottingham</i> ,
Earl of <i>Bedford</i> ,	Ld. Visc. <i>Fauconberge</i> ,
Earl of <i>Dorset</i> ,	Ld. Grey of <i>Ruthyn</i> ,
Earl of <i>Bullingbrook</i> ,	Ld. <i>Paget</i> ,
Earl of <i>Manchester</i> ,	Ld. <i>Chandoy</i> ,
Earl of <i>Burlington</i> ,	Ld. <i>Vaughan Carbery</i> .

The aforesaid Bishops appearing then and there, about eleven a Clock, at Mr. Attorney General's motion, the Writ and Return were read in Court.

Sr. Robert <i>Wright</i> Ld. Ch. Justice.	} Judges.
Mr. Justice <i>Holloway</i> .	
Mr. Justice <i>Powell</i> .	
Mr. Justice <i>Allybone</i> .	

Then the Bishops being sat in Chairs provided there for them, the Attorney General motion'd an Information to be read against them, which Sir Robert *Sawyer*, Serj. *Pemberton*, Mr. *Pollexfen*, and Mr. *Finch* oppos'd, (being of Counsel for the Bishops) requiring a Discharge for the Prisoners, because their Imprisonment was illegal, the Persons committing having no Authority to commit (being said to be Lords [of] the Council, and not [in] Council) and the Fact for which they were committed, being a bare Misdemeanour, the Bishops (as Peers of the Realm) ought to be served with the usual Process of

Subpoena, and not to be committed to Prison; and therefore the Bishops not being now regularly in Court, they ought to be charged with no Information, by the exprefs Statute of *Edward the 3d.*—The which Objections caused a long and learned Debate on both fides, till at length the Judges over-ruled it; only Mr Justice *Powell* refused to determine without consulting Precedents.

Then the Information againſt the Bishops was read; the Subſtance whereof was, That whereas the King put out his *Declaration for Liberty of Conſcience* on the 4th of *April* in the 3d Year of his Reign, in which is contained, &c. [*Here that Declaration was inſerted*] and on the 27th of *April* in the 4th Year of his Reign did publiſh his other Declaration, entitled, &c. [*Here that Declaration alſo was inſerted*] which laſt Declaration, he on the 30th of *April* following cauſed to be printed; and for the more ſolemn Notification of his favour therein, did on the 4th of *May* following, order the ſame to be read in all Churches, &c. [*Here that order of Couſel was inſerted*] After the making of which Order, viz. on the 18th of *May* following, at *Weſtminſter* in *Middleſex*, the ſeven Bishops (being here named) did conſult and conſpire among themſelves to diminifh the Regal Authority, and Royal Prerogative, Power and Government of the King in the Premiſſes, and to infringe and elude the ſaid Order; and in Proſecution and Execution of the Conſpiracy aforeſaid, they the ſaid Bishops (*here again naming them*) with Force and Arms, &c. there and then, falſly, unlawfully,

lawfully, maliciously, seditiously, and scandalously, did frame, compose, and write, &c. a certain false, feigned, malicious, pernicious, and seditious Libel in Writing, concerning the King, his Declaration and Order aforesaid (under pretence of a Petition) then and there subscribed by them, and in the presence of the King did publish, wherein is contained [*Here the Bishops Petition was inserted.*] Whereupon the Attorney General pray'd the Advice of the Court, and due Process of Law to be made out against the aforesaid Bishops, &c. to answer to our Lord the King, in and concerning the Premisses.

Then the Bishops Counsel moved for an *Imprarlance* till the next Term, and very learnedly and largely debated with the Kings Counsel concerning the course of the Court as to that Particular; but were over-ruled in it. Then the Arch-bishop in behalf of himself and his Brethren the other Defendants, tender'd their Plea in writing, which was read, and its Receipt debated; but because it was writ upon Paper, and not upon Parchment, and contained no more than what had been already debated and over-ruled, the Court rejected it; and put them therefore upon it, to plead presently to the Information; which they all did *Not Guilty*; and this day fortnight appointed for their Trial at this Bar; the Court taking the Bishops own Recognizance, of the Arch-bishop in 200 *l.* and the rest in 100 *l.* apiece, then and there to appear; after which the Court arose.

ON Friday the 29th day of *June* (being the Feast of *St. Peter and St. Paul*) the Bishops then and there made their Appearance.

Mr. Robert Wright *Ld. Ch. Justice.*

Mr. Justice Holloway.

Mr. Justice Powel.

Mr. Justice Allybone.

} Judges.

These Peers being present, *viz.*

Ld. Marq. of Hallifax.

Ld. Marq. of Worcester.

Earl of Shrewsbury.

Earl of Kent.

Earl of Bedford.

Earl of Pembroke.

Earl of Dorset.

Earl of Bullingbrook.

Earl of Manchester.

Earl of Rivers.

Earl of Stamford.

Earl of Carnarvon.

Earl of Chesterfield.

Earl of Scarsdale.

Earl of Clarendon.

Earl of Danby.

Earl of Sussex.

Earl of Radnor.

Earl of Nottingham.

Earl of Abington.

Ld. Visc. Fauconberge.

Ld. Newport.

Ld. Grey of Ruthyn.

Ld. Paget.

Ld. Chandos.

Ld. Vaughan Carbery.

Ld. Lumley.

Ld. Carteret.

Ld. Ossulston.

'Tis possible more of the Peers might be present both days, whose Names by reason of the Crowd, could not be taken.

The Bishops Names being called over, the Jury was sworn, whose Names follow, *viz.*

Sir

Sir Roger Langley, Bar.	William Avery, Esq;
Sir William Hill, Kt.	Thomas Austin, Esq;
Roger Jennings, Esq;	Nicholas Grice, Esq;
Thomas Harriot, Esq;	Michael Arnold, Esq;
Jeoffery Nightingale, Esq;	Thomas Done, Esq;
William Withers, Esq;	Richard Shoreditch, Esq.

To whom the Information against the Bishops was read: And then Mr. *Wright* opened the charge: to which Mr. Attorney General spoke, shewing that the Bishops were prosecuted not as Bishops, or for any point of Religion, but as Subjects, and for a Temporal Crime. And that also they were prosecuted not for omitting anything, but for doing something, even censuring of his Majesty and Government. The Heinousness of which Crime he opened; and laid down the Method they would proceed in to prove it. And according to the Method observ'd in the Information, that every thing might be proved therein, Mr. Solicitor General order'd to be produced in the Court both the Declarations, under the Great Seal, and the Order of Council for reading the latter, was read out of the Council-Book, and the Printer call'd and sworn to prove the printing of the Declaration. Then the Bishops Petition was deliver'd in also by Sir *John Nicholas*, who being sworn, deposed, that he received that Paper from the King in Council the 8th of this Month; that the King had it from him again the 12th; and the 13th he received it again from the King.

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Mr. Justice *Holloway*.

Mr. Justice *Powel*.

Mr. Justice *Allybone*.

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Ld. Marq. of <i>Hallifax</i> .	Earl of <i>Danby</i> .
Ld. Marq. of <i>Worcester</i> .	Earl of <i>Suffex</i> .
Earl of <i>Shrewsbury</i> .	Earl of <i>Radnor</i> .
Earl of <i>Kent</i> .	Earl of <i>Nottingham</i> .
Earl of <i>Bedford</i> .	Earl of <i>Abington</i> .
Earl of <i>Pembroke</i> .	Ld. Visc. <i>Fauconberge</i> .
Earl of <i>Dorset</i> .	Ld. <i>Newport</i> .
Earl of <i>Bullingbrook</i> .	Ld. <i>Grey of Ruthyn</i> .
Earl of <i>Manchester</i> .	Ld. <i>Paget</i> .
Earl of <i>Rivers</i> .	Ld. <i>Chandoys</i> .
Earl of <i>Stamford</i> .	Ld. <i>Vaughan Carbery</i> .
Earl of <i>Carnarvon</i> .	Ld. <i>Lumley</i> .
Earl of <i>Chesterfield</i> .	Ld. <i>Carteret</i> .
Earl of <i>Scarsdale</i> .	Ld. <i>Ossulston</i> .
Earl of <i>Clarendon</i> .	

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Then the Court went on to prove the Bishops hands to it, and for that end Sir *Thomas Exton* was sworn, who viewing the Paper, deposed that he did believe it was the Lord Arch-Bishops Writing, and that his Name was writ there by himself; but that he did not know any of the other Names.

Then Mr. *Brooks* being sworn, deposed also, that he knew the Arch-bishops Hand-writing, and (viewing the Paper) did believe that to be written by him. That he knew also the Bishop of *St. Asaph's* Writing, and did believe this to be his. That he had seen of the Bishop of *Ely's* Writing, and because this did resemble a Letter that he had by him of his writing to the Bishop of *Oxford*, therefore he did believe this also to be his.—But this was by the Court adjudged to be but weak Evidence. Therefore,

Mr. *Chetwood* was sworn to prove the Bishop of *Ely's* Hand, but he only deposed, That he had a great while since, seen of what was said to be his Writing, but that he never saw him write, and therefore did not certainly know his Hand. And a little after, being called to evidence to the Bishop of *Bath and Wells*, and Bishop of *Peterborough's* Hands, he said, that he had seen of the Bishop of *Bath and Wells* Writing, but never saw him write his Name, and (looking on his Name) he said he believed that might be his Writing, but he was not certain; that he rather believed it to be his Hand, than that other to be my Lord of *Peterborough's*.

After him Mr. *Smith* deposed (viewing the Bishop of *Ely's* Name) that he had, a good while since, seen of his Writing, which this did

resemble, and therefore he believed it might be his Writing; though he could better judg of it when he writ his Name *Turner*, than now it is *Ely*, because there was more Letters to judg by.

Then Mr. *Middleton* deposed to the Arch-Bishop, and the Bishop of *Ely*, That he had seen their Writing, and (upon viewing the Paper) did believe that this was theirs. That also he had my Lord of *Peterborough's* Writing for some Money two Years ago, and he believed this to be like it, but he never saw of his Writing but once. That once he saw of the Bishop of *Bristol's* Writing also, and did think this like it, but could not say more.

Then Sir *Thomas Pinfold* deposed to the Bishop of *Peterborough's* Writing, that he never saw but one Letter from him, and (viewing the Paper) that he could not tell upon his own Knowledge that that was his Hand; but upon this account, that he had heard there was a Paper delivered by my Lords the Bishops to the King, and this Paper, he supposing to be the same, upon that score he did believe it his Hand, but upon any other score he could not tell what to say.

Then Mr. *Clavel* was sworn, who deposed that he had many times seen of the Bishop of *Peterborough's* Writing, and believ'd he knew it, and (viewing the Paper) believ'd that to be his Hand; but he could not say that ever he had seen him write.

Next Mr. *James* was sworn, who deposed to the Bishop of *Bristol's* Writing, that he believ'd he knew his Hand, but was not certain, because my Lord writ several times, several Hands; but
view-

viewing the Paper, he at last acknowledg'd that he believ'd this to be his.

Then Mr. *Nathaniel Powel* being sworn, deposed to the Bishop of *Chichester's* writing, that he believed he knew his Hand, but looking upon his Name, said that he did not see his Lordship write that, but believ'd it to be like his Hand ; but would not say positively that he believ'd it was so, because for a Man to swear his belief in such a matter, seemed to him an extraordinary thing.

Then the Counsel for the King prayed that the Paper might be read ; but the Bishops Counsel opposed it.

First Mr. Serj. *Levinz* pleaded, That a Proof by Comparison of Hands (which was the only Proof they had in this case) ought not to be received in a Criminal Case ; and because moreover that Comparison had been proved in such an uncertain manner.

Then Mr. Serj. *Pemberton* pleaded, that this Evidence did not amount to so much as a Comparison of Hands, because none of them had ever seen the Persons write ; and if it did, that was no Evidence in Criminal Cases.

Then Mr. *Pollexfen* pleaded, that it ought to be consider'd whether Comparison of Hands be Evidence in a Case of Misdemeanour, (instancing in my Lady *Carr's* Case, in *Syderfin's Reports*, where this Court had adjudg'd it otherwise ;) Or if it be Evidence, whether the Belief of a Man that brings nothing to compare with it, or ever saw the Party write, be good Evidence as a Comparison of Hands ?

Then Mr. Attorney General reply'd, that this
was

was Evidence, though not so strong, as if they had brought those that had seen them write ; yet Evidence it was, and whether it were sufficient, that they submitted to the Jury.

Then Mr. Attorney General prov'd it to be Evidence from *Sydney's* Case, where Evidence upon Comparifon of Hands cast him. And for the same purpose Mr. Recorder instanced in *Sir Samuel Barnardiston's* Case, but was presently silenced by *Sir Robert Sawyer*, who told him that *Sir Samuel* there owned his Hand.

Mr. Justice *Powel* and Mr. *Holloway* then declared that they thought the Proof too slender in this Case, for that it ought to be stronger in Criminal Matters than in Civil. Therefore the Court being divided, the Ld. Ch. Justice told Mr. Solicitor he must go on to some other Proof. And then Mr. *Blathwayt* was sworn, who looking on the Paper, deposed that he did believe that to be the Paper which the Ld. Arch-Bishop and the other six owned at the Council-Table the 8th of this Month, where when they appeared the first time, they were asked if they did own that Paper ? they immediately answered, that they humbly hoped, as they stood there Criminals, his Majesty would not take Advantage against them, but however they would obey his Majesty's Command. Thereupon they were commanded to withdraw, which they did. That when they came in the second time, they seemed unwilling to own the Paper, saying, as they did before, and denying the publishing of it. That the third time they attended, they did all own it, and the Arch-Bishop said it was all written with his own Hand, and that he had not made use

use of his Clerk ; the King not making any Promise to them, that no Advantage should be taken, or use made of it.—Upon which the Kings Counsel again urged that the Paper might be now read ; but the Bishops Counsel still opposed it, pleading, that first it ought to be proved that this Libel (as they call'd it) was written and published in *Middlesex* ; for that all Matters of Crime were so local, that if it be not proved to be done in the County where it is layed, the Party accused is as innocent as if he never had done the thing.—But this the Ld. Ch. Justice over-ruled, that it was not proper to urge this until the Paper had been read ; then Mr. Justice *Powel* at first opposed it. The Bishops Petition then was read and shewn to the Jury : The King's Counsel leaving it here, till they had seen what should be said to it. The Bishops Counsel therefore urged their former Objection, that nothing had been proved to be done in *Middlesex*, and that the Bishops owning the Paper in that County, would not amount to a Publication of it there ; besides that the Information and Petition did not agree, the Direction and Petitionary Part being left out.—To which the King's Counsel reply'd, That the Fact being own'd in *Middlesex*, it is to be supposed to be done there, until they had proved it to be done elsewhere. Which therefore the Bishops Counsel did by Mr. *Francis Nichols*, who being sworn, deposed, that he had served the Arch-Bishop in his Bed-Chamber this seven Years, and he was sure that he never stirr'd out of the Gate of *Lambeth-house*, since *Michaelmas* last, till the
time

time he was summoned before the Council.

Yet Mr. *Finch* insisted on it, that the King's Counsel ought to prove the place in which it was writ ; for that the Locality of it being part of the Crime as laid in the Information, they had not proved the Charge unless they did that ; — Which because the King's Counsel could not do, they yielded in that Point ; and insisted upon the Publication of it in that County, because there it was own'd ; instancing in several cases, wherein the writing of a Libel was adjudged a Publication : To which the Bishops Counsel reply'd, that in those Cases it was proved that the Libel was sent by the Persons, which here it is not ; and till that is proved, it cannot be said to be published by them, an owning of it to the King and Council, not being criminal ; because then an Answer to a Question, put by Authority, would be a Crime, and then it would be as if Authority were employed to do wrong. — The King's Counsel therefore insisted upon it, that it was their parts to prove it did not come from them to the King, for that the King had it, and they own'd it, and till they proved it otherwise, they must presume it was deliver'd by them. — But Presumption being looked upon as no Evidence, the Court would not accept of this. — And therefore the King's Counsel called Mr. *Blathwayt* again, who deposed (as before) that he was present when this Paper was delivered by the King, at the Council-Board, and being asked by Mr. Solicitor General if there was any mention of what it was done for, upon the account of Religion, or how ? he answered, he did not remember any thing of that [*At which there was*

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a great Laughter] — But that he received it from the King's hands, and he knew it was presented to him by the Bishops, for that he had heard the King say so several times. That to the best of his remembrance the Bishops were question'd whether this was the Paper presented by them to the King; and that he did always think it a plain Case that it was so, nor did they deny it; but as to that Question, he did not remember what the Words were [*At which there was a great Shout*]

Then Mr. *Bridgman* was asked the same Question; Whether there was any question at the Council-Board, whether this was the Paper presented by the Bishops to the King? To which he, in answer, deposed that there was something about it, but he did not remember whether the question was directly asked or answered; — But he believed there was no Body doubted that that was not the Paper; — And that he saw it, soon after it was delivered, and heard the King say it was the Petition the Bishops had delivered, and on *Sunday* the King commanded him to copy it, and there was no Copy made of it but that one, notwithstanding that he saw a Copy, within a day or two after it was presented, about the Town.

Then Sir *John Nicholas* being asked to the same Question, answered, that (though he was then present at the Council-Board) he did not remember that. [*Then there was a great Shout.*]

Then Mr. *Pepy's*, being sworn, was examin'd to the same; and depos'd that he did not remember any thing was spoken about the delivering, but he believed it was understood by every

very Body at the Table, that that was the Paper the Bishops had delivered.

Then Mr. *Musgrave*, being sworn and examin'd to the same, deposed, that he did not remember that ever any such direct Question was asked.

Upon this Evidence then the King's Counsel (when they had opened it) submitted to the Jury ; And the Ld. Ch. Justice began to direct the Jury ; but was interrupted by Mr. *Finch*, who questioned whether it were Evidence or no ; because if it were, they had other matter to offer in Answer to this Evidence, and in their own Defence. Whereupon the Ld. Ch. Justice resolved to hear them, though the rest of the Bishops Counsel pray'd him to go on with his Lordships Direction ; But just as he was beginning] to go on, the King's Counsel then pray'd his Patience ; Mr. Solicitor General, saying, There was a Fatality in some Causes, and so there was in this ; for that they had notice that a Person of very great Quality was coming, that would make it appear, that the Bishops made their Addreses to him, that they might deliver this Paper to the King. — [Then there was 3 or 4 long Pauses for above half an Hour ;] And no one coming, the *Criar* made Oath that Mr. *Graham* coming into the Hall when his Lordship was directing the Jury, said, my Lord *Sunderland* was a coming, but he would go and prevent him ; And afterwards returning, and finding his Lordship did not go on, he said he would go again for the Lord *Sunderland* whom he had sent away, and he was now gone for him, and said he would bring him with him presently. — At length the
Lord

Lord President came, and being sworn, deposed, That the Bishops of Saint *Asaph* and *Chichester* came to his Office, and told him that they came in the Name of the Archbishop and 4 other of their Brethren, viz. the Bishops of *Ely*, *Bath* and *Wells*, *Bristol*, and *Peterborough*, to let him know that they had a Petition to deliver to the King, if he would give them leave; and desired to know of him, which was the best way to do it. That he told them, he would know the King's Pleasure, and bring them Word again: That they offered him their Petition to read, but he did not think it fit for him to do it, and therefore he refused and would not read it; but that he went immediately to the King, and acquainted his Majesty with it, and he commanded him to let them know they might come when they would, which he immediately did; they said they would go and speak with some of their Brethren that were not far off; in the mean time he gave order that they should be admitted when they came; and they did in a little time return, and went first into the Bed-Chamber, and then into the Room where the King was. And all this was before they appeared at the Council.

This was no Evidence, Mr. *Pollexfen* said, against the Archbishop, because he was not there, and nothing had been proved against him as done in *Middlesex*; and for the other 6 Lords, the Lord President did not say, that this is the Petition that they said they had to deliver to the King; Nor did he see them deliver any thing, but that is still left doubtful, so that it stands upon Presumption, and not upon Proof.—However the Kings Counsel desired to leave it fairly to the

the Jury upon this Fact; and then therefore the Bishops Counsel desired to be heard in their Defence. And,

First Sir *Robert Sawyer*, in a long and learned Speech, told the Jury that the Charge against the Bishops was, That they did conspire to diminish the Royal Authority, and to this end make a Libel against the King: but that the Evidence fell far short of this, which only proved that the Bishops in as private and humble a manner as they could, presented the Paper to the King, which was a Petition to be relieved against an Order of Council, which they conceived they were aggrieved by: and herein was no Sedition either in the matter, or manner of delivering it. That it was not to be question'd but that any Subject commanded by the King to do an unlawful Thing, or what was against his Conscience, might humbly tell the King why he could not obey him. And that whereas Mr. Attorn. Gen. had at first said that the Bishops were not sued as Bishops, nor prosecuted for their Religion; he could not conceive what they were sued for else, the Information being against them for an Act they did as Bishops, and no otherwise; it being what was their Duty, and properly within their Sphere and Jurisdiction.—That whether therefore they consider'd the Matter of this Petition, or Manner of delivering it, or the Persons that deliver'd it, there can appear no Reason for such an Information against them.

In the Matter of the Petition he consider'd two Things; *First*, the Prayer; wherein he shewed there could be nothing of Falsity, nor any thing contrary to Law, for which reason he said, possi-

sibly, it was left out of the Information, as being thought no part of a Libel, and so made a deform'd story of it, without Head or Tail ; a Petition directed to no Body, and for nothing, it being without both Title and Prayer. *Secondly*, he considered the Reasons of the Bishops for not complying, expressed in it. The first whereof is the Declarations of Parliament against the Dispensing Power ; and the next, because it is a Matter of so great Moment and Consequence to the whole Nation, that they could not make themselves so far Parties in it. For if it be of any effect ; then by it, not only the Laws of the Reformation, but of all Religion are suspended : and what a mischief that would be to the Church, which is under the Care of my Lords the Bishops, any one might easily apprehend.— [While Sir *Robert* was speaking to these things, the Ld. Ch. Justice said aside, that he must not suffer this. They intended to dispute the King's Power in suspending Laws. Mr. Justice *Powel* reply'd to him, that they could not avoid that Point ; because if the King had no such Power, (which was his Judgment) then this Petition could not be Libellous. The Lord Chief Justice told him he knew he was full of that Doctrine ; and because the Bishops should have no occasion to say, that he denied to hear their Counsel, he would let them talk on till they were weary.]

Then for the *Manner* of delivering the Petition, Sir *Robert Sawyer* proceeded to shew, that from their Evidence it appeared to be in the most private and humble manner ; Leave being first asked, and then given.

Then

Then for the *Persons*, he shewed that they did no more than what was their Duty, and belonged to them; the *Act of 1 Eliz. cap. 2.* making them special Guardians of the Law of Uniformity, and of that other Law in his late Majesties Reign, where all the Clauses of *1 Eliz.* are revived. Now in that Statute of *1 Eliz.* there is this Clause :

“ And for the due Execution hereof, the
“ Queen’s most Excellent Majesty, the Lords
“ Spiritual and Temporal, and all the Commons
“ in this present Parliament assembled, do, in
“ God’s Name, earnestly require and charge all
“ the Archbishops, and Bishops, and other Ordinaries, that they do endeavour themselves,
“ to the utmost of their Knowledges, that the
“ due and true execution hereof may be had
“ throughout their Diocesses and Charges, as
“ they will answer before God, for such Evils
“ and Plagues, wherewith Almighty God may
“ justly punish his People, for neglecting this
“ good and wholsome Law.

By this he shewed that it was plain, that the Bishops, upon pain of bringing upon themselves the Imprecation of this Act of Parliament, were obliged to see it executed; and then when any thing comes under their Knowledg, especially if they are to be Actors in it, that has such a tendency to destroy the very Foundations of the Church, as the Suspending of Laws has, it concerns them that have no other Remedy, to address the King, by Petition, about it; and ’tis the Duty of an Officer or Magistrate to tell the King what is Law, and what is not; [he instancing in *Cavendish’s Case*, and another in the

time of the Lord *Hobart*.]

Next to him Mr. *Finch* spoke, briefly recapitulating the King's Evidence, and then shewing that this Petition, as well for the *Matter* of it, as *Manner* of delivering it, and the *Persons* by whom it was delivered, was no Libel. Particularly that the King's Regal Authority, and Royal Prerogative was no way diminished thereby; for that the Declaration was founded upon a Dispensing Power, which the King could not have; — Because a Power to abrogate Laws, is as much a part of the Legislature (which is only in the King and his two Houses of Parliament) as to make Laws: and a Power to suspend, is equal to a Power of abrogating Laws, because they are no longer in being, as Laws, while they are suspended. — That this was never attempted, but in the last King's time, which was took notice of, and declared against in Parliament, in the Years 1662 and 1672; the effect of which was, that His Majesty cancell'd the Declaration, and declared that it should never be drawn into Example or Consequence. — That the Bishops here, had done but what became them, as Peers and Bishops, in the most decent Manner. And that unless this humble Petition, so presented, may be said to be a malicious and seditious Libel, with an intent to stir up the People to Sedition, the Jury ought not to find my Lords the Bishops guilty upon that Information.

Mr. *Pollexfen* next spoke, insisting upon the Illegality of the King's Declaration, as setting aside all the Law we have in *England*, almost all being Penal Laws, not only those before the Reformation, but since; especially in matters of Religion.

Religion. — And therefore the King's Will, not being consonant to Law, and not obliging, nothing can be done with a more Christian Mind than to inform him of it, by way of Petition, as the Bishops had done.

Then Mr. Serjeant *Pemberton* spoke; Affirming that the Bishops had done no more than their Duty; to God, the King, and the Church. — Denying the Dispensing Power, as a thing that strikes at the very Foundation of all the Rights, Liberties and Properties of the Kings Subjects whatsoever. — That the King's Legal Prerogatives are as much for the Advantage of his Subjects, as of himself. — That these Laws he would by his Declaration suspend, are the great Bulwark of the Reformed Religion. — Intended to defend the Nation against false Religions, — Particularly the *Romish* Religion, (which is the very worst of all Religions) a Religion no way tolerable, nor to be endured here. — And yet if this Declaration should take effect, all Religions would be let in, and even that Religion would stand upon the same terms with the Protestant Religion; and all the Care and Statutes that had been against it, go for nothing. — That the Bishops have the Care of the Church, by their very Function and Office; and are bound to take care to keep out all those false Religions that are prohibited, and designed to be kept out by Law, and therefore could do no less than they did. — That our Law did allow the King no such Dispensing Power; — Instancing in that Check the Parliament had given to it in 1662. — But here the *Ld. Ch. Justice* interrupted him, as being what had been spoken to already.

Then Mr. Serjeant *Levinz* offered to shew, that it has been taken all along, as the ancient Law of *England*, that such Dispensations ought to be by the King and Parliament, and not by the King alone : but he was stop'd, enough having been offer'd already.

Therefore the Bishops Counsel proceeded to prove what had been said ; and to that end was produced, and read in Court, the Record of *Richard* the Second, wherein the Parliament gave the King a Power to dispense with the Statute of Provisors (which was a Penal Law, concerning collating and presenting to Dignities and Benefices of the Church) only till the next Parliament ; declaring withal that it was a *Novelty*, and that it should not be drawn into Example.

Then the Journal of the House of Lords was produced, and his Majesty's Speech to both Houses, in 1662, read, wherein is this Clause ; " That if the Dissenters will demean themselves " peaceably and modestly under the Govern- " ment, (his Majesty said) he could heartily " wish that he had a Power of Indulgence to " use upon occasion. — Whereupon there was a Bill in the House of Lords brought in to enable the King to dispense with several Laws, which was read and committed, but further than that it went not. Which Bill was also read out of the Journal.

Then the Journal of the House of Commons was produced, and a Vote read, which passed, *Feb. 25. 1662.* That no Indulgence be granted to the Dissenters from the *Act of Uniformity* : With the Commons Address, and Reasons for this Vote ; wherein was declared, That the *Act*
of

of *Uniformity* could not be dispensed with, without an Act of Parliament.

The Journal of the House of Lords was again produced; and the King's Speech to both Houses, on *Feb. 5. 1672*, read, wherein he mentions his Declaration for Indulgence.

The Journal then of the House of Commons was again produced; and the Commons Petition and Address to the King, *Feb. 14. 1672*, was read; Wherein they thank him for his Speech,—And tell him, “They have considered his Declaration for Indulgence, dated the 15th of *March* last; And find themselves bound in Duty to inform his Majesty, That Penal Laws in Matters Ecclesiastical, cannot be suspended but by Act of Parliament: And do therefore beseech him, That the said Laws may have their free Course, until it shall be otherwise provided for by Act of Parliament.

Then his Majesty's Answer to that Reply was read, wherein he expresses his trouble, that his Declaration has disquieted them; —That he does not pretend to the Right of suspending Laws, wherein the Properties, Rights, or Liberties of any of his Subjects are concerned; nor to alter any thing in the established Doctrine or Discipline of the Church of *England*: But his only Design in this, was to take off the Penalties and the Statutes inflicted upon Dissenters.—

To which the Commons replied, (which was then read out of the same Journal) “That they found his Answer not sufficient to clear the Apprehensions that may justly remain in the Minds of his People, by his Majesty's ha-

"ving claimed a Power to suspend Penal Sta-
 "tutes in Matters Ecclesiastical ; and which his
 "Majesty does still seem to assert in his Answer,
 "to be intrusted in the Crown, and never que-
 "stioned in the Reigns of any of his Ancestors :
 "Wherein they humbly conceive him misin-
 "form'd ; Since no such Power ever was claim-
 "ed or exercised by any of his Majesty's Prede-
 "cessors : And if it should be admitted, might
 "tend to the interrupting the free Course of
 "the Laws, and altering the Legislative Power,
 "which hath always been acknowledged to re-
 "side in his Majesty, and his two Houses of Par-
 "liament.

With an unanimous Consent, they therefore
 again besought him, "That he would be plea-
 "sed to give them a full and satisfactory Answer
 "to their Petition and Address ; and take such
 "effectual Order, that the Proceedings in this
 "Matter might not for the future be drawn into
 "Consequence or Example.

Then the Lords Journal was turned to, where-
 in it was read, how that the King communica-
 ted this Address to the Lords, and desired their
 Advice. And that on *March* the 8th, 1672, He
 made a Speech to both Houses ; wherein he tells
 them, "That if there was any Scruple remain-
 "ing in them, concerning the Suspension of Pe-
 "nal Laws, he here faithfully promised them,
 "That what had been done in that Particular,
 "should not for the future be drawn, either in-
 "to Consequence or Example.—After which
 the Lord Chancellor imparted to them, "That
 "his Majesty found some dissatisfaction remain-
 "ing, concerning the Officers to be employed
 abroad ;

“abroad; but if that bred any Umbrage, the
“King commanded him to let them know, That
“he resolves to give both his Houses full Satis-
“faction to their Desires.—And that his Maje-
“sty had, last Night, in pursuance of what he
“then intended, and declared this Morning,
“concerning the Suspension of Penal Laws, not
“being for the future to be drawn either into
“Consequence or Example, caused the Original
“Declaration under the Great Seal, to be can-
“celled in his presence; whereof Himself, and
“several other Lords of the Council were Wit-
“nesses.—The Record of which in the Jour-
“nal was then read.

Then his present Majesty's Speech, on *Novemb. 9. 1685*, to both Houses, was read, where-
in, declaring the Necessity of his Standing Army,
and requiring a Supply for their Maintenance,
he says, — “Let no Man take Exception that
“there are some Officers in the Army not quali-
“fied according to the late Tests, — I will nei-
“ther expose them to disgrace, nor my self to
“the want of them, if there should be another
“Rebellion to make them necessary to me. —

The Commons Journal being then turned to,
their Address to the King was then read;
Wherein, after they had thanked him for his
Care in the suppressing the late Rebellion, they
acquaint him, that they had considered his
Speech, and, “as to that part of it relating to
“the Officers, They do, out of their bounden
“Duty humbly represent to him, That those
“Officers cannot by Law be capable of their
“Employments; and that the Incapacities they
“bring upon themselves thereby, can no ways
be

“be taken off but by Act of Parliament.—
 “That therefore they are preparing a Bill to
 “indemnify them from the Penalties they have
 “now incurred: And because the continuance
 “of them in their Employments, may be taken
 “to be a dispensing with that Law without Act
 “of Parliament; the Consequence of which is
 “of the greatest Concern to the Rights of all
 “his Majesty’s Subjects, and to all the Laws made
 “for the Security of their Religion: They
 “therefore do beseech him, he would be
 “ciously pleased to give such Directions, that
 “that no Apprehensions or Jealousies may
 “main in the Hearts of his Subjects.

After this, that forecited Clause of the Statute 1. *Eliz.* was read, and then Mr. *Finch* spoke to this effect; That the Charge being for a Libel, it ought to be considered, whether the Bishops did deliver this Paper to the King? of which there has been no direct Proof (Publishing he would not talk of, because there has been no proof of a Publication); or supposing they did deliver it, Whether this be a Libel upon the Matter of it, the Manner of delivering it, or the Persons that did it?—He said it was no Libel,—taking notice of the dissingenuity offered the Bishops, in only setting forth part, and not the whole.—Affirming, that the Subjects have a Right to Petitioning in all their Grievances;—That this was a Grievance the Bishops petitioned against, it being what the Law, neither Common, nor Act of Parliament, allowed of;—And therefore the Bishops could not be guilty of the Charge.

Then Mr. *Finch* spoke briefly again, making a Challenge

Challenge to shew any one Instance of such a Declaration, such a general Dispensation of Laws from the Conquest, till 1672.—Leaving their Cause upon this Point; That to suspend Laws, is to abrogate them; and that to abrogate Laws is part of the Legislature, which Power is lodged in King, Lords, and Commons.

To which Sir *Robert Sawyer* added, That he found few Attempts of this Nature in any Kings Reign. In the Reign of *Henry* the 4th, there was an Act of Parliament that Foreigners should have a free Trade in *London*, notwithstanding the Franchises of the City. After the Parliament rose, the King issued out his Proclamation, forbidding the execution of that Law, and commanding that it should be in suspense till the next Parliament; yet that was held to be against Law. Then he mentioned another Case, upon the Statute of 31. *Hen.* 8. cap. 8. which enables the King, by Proclamation, in many Cases, to create the Law; which Statute was repealed by 1. *Edw.* 6. cap. 12. That very Act reciting, that the Law is not to be altered, or restrained, but by Act of Parliament.—

Then Mr. *Sommers* (of Counsel also for the Bishops) mentioned the Case of *Thomas* and *Sorrel* upon the Validity of a Dispensation of the Statute of *Edward* the 6th, touching selling of Wine. Where it was the Opinion of every one of the Judges, and they did lay it down as a settled Position, that there never could be a Suspension of an Act of Parliament, but by the Legislative Power.—Affirming, that the Matters of Fact alledged in the Bishops Petition, had been proved perfectly true by the Journals
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of both Houses. That there could be no Design thereby to diminish the King's Prerogative, because he had none such ; That the Petition could not be *Seditious*, nor stir up Sedition, because it was presented to the King, in private and alone ; *False* it could not be, because the Matter of it is True. There could be nothing of *Malice*, because the Occasion was not sought ; the Thing was pressed upon them ; and a *Libel* it could not be, because the Intent was innocent, and they kept within the Bounds set by the Act of Parliament, that gives the Subject leave to petition his Prince, when he is grieved.

Here the Bishops Counsel saying they had done, Mr. Attorn. Gen. spoke for the King ; Alledging that the Records produced were nothing to the purpose, because they were only Matters transacted in Parliament, and not Acts of Parliament.—That be their Libel never so true, yet still it was Libellous.—That though the Subject may petition the King, yet not in such reflecting Terms. And though Religion was concerned, yet ought not illegal Means be made use of ;—That therefore the Bishops ought rather to have acquiesced under their Passive Obedience till the Parliament met, which the King had promised in his Declaration should be in *November*.

Then Mr. Sol. Gen. in a long Speech added, That the Bishops had no right of Petitioning out of Parliament ; and therefore the Proceedings in Parliament which had been produced were not to the purpose. [*Here Mr. Justice Powell expressed his dislike of this Doctrine aside to the* Ld. Ch. Justice, *who concurred with him.*] Going
on

on to prove from the Statute 1 *Hen. 4.* that there ought to have been no Complaint made till it had come from the Commons in Parliament; that the Law continued so till the 3 *Hen. 7.* where the Grievance was found, that Offences in the Intervals of Parliament could not be well punished; and then comes the Statute that sets up the Court of Star-Chamber; which yet was abolished by the Statute of the 15 *Car. 1.*—That the Proceedings of Parliament produced were no Declarations of Parliament, (because never passed into an Act) and therefore they are Nullities, and cannot be accepted of as any Evidence. [*Here again the Ld. Ch. Justice, and Mr. Justice Powel discours'd aside, saying, he thought to impose upon them, but they believed not one word he said.*] Then he appealed to the Case in the 2 *Cro. 2. Jac. 1.* Where it is asserted, That the King may make Orders and Constitutions in Matters Ecclesiastical.—And the Case of *De Libellis Famosis*, which says, in the 5th Report, If a Person does a thing that is Libellous, you shall not examin the Fact, but the Consequence.—And therefore if the King hath a Power to make Orders in matters Ecclesiastical, and do so; if any bring that Power into Question, that is Sedition; and the Legality or Illegality of the Order ought not to be examined.—Whence he doubted not but they had here a good Case for the King, and that the Jury would give them a Verdict.

Then Mr. Justice *Holloway* asking him, What the Bishops could have done in this Case, if they might not Petition? he answered, That they should have acquiesced till the meeting of the

the Parliament [*At which some People in the Court hissed.*] Adding, that it was one thing for a Man to submit to his Prince, where he cannot obey him, and another thing to affront him; this being Libelling with a Witness.

To which the *Ld. Ch. Justice* said, That he was of Opinion that the Bishops might Petition the King, though out of Parliament, but not in such a Reflective manner, because that would make the Government very Precarious.—But *Mr. Justice Powel* told *Mr. Sol. Gen.* it would have been too late to stay for a Parliament; and if the Bishops had disobeyed without Petitioning, it would have looked like a piece of Sullenness, and they would have been blamed for it as much on the other side.

Mr. Serj. Baldock then spoke also for the King; insisting on the Disobedience of the Bishops to the King, who is their Supreme Ordinary, they being not commanded to read it themselves, but only to distribute them to be read; and their giving Reasons for their Disobedience, in a Libellous Petition, charging the King with an illegal Act, reflecting upon his Prudence, Justice, and Honour, in laying his Commands upon them; which being done by Bishops, and having an Universal influence upon all the People, he left it to his Lordship and Jury, whether they ought not to answer for it.

Then *Sir Barth. Shore* (the Recorder) spoke on the same Side, saying, He thought the Information proved, for that no Answer had been made to it; The Answer made being but Argumentative, and taken either from the Persons of the Defendants, as Peers, (who could have

no right to Petition libellously) or from the Form of it's being a Petition, which could no more excuse them, if it were scandellous, than any other. The Author of *Julian the Apostate* having as much right to publish his Book, as the Bishops had to deliver this Libel to the King. [*For which comparison he was checked by Mr. Justice Powel, who told him, it was the Birth-right of the Subject to Petition.*] And that it was as lawful for the City of *London* to Petition for the Sitting of a Parliament, as it was for the Bishops to give Reasons for their Disobedience to the King's Command. And if their Petition was reckoned Libellous, in saying that what the King had done in Dissolving the Parliament, was an Obstruction of Justice; what other Construction can be made of the Bishops saying, that the King's Declaration is illegal? And if they were so severely punished as to lose their Charter for what they did, the Bishops ought to have the like Condemnation.

Then Mr. Serj. *Trinder* spoke in defence of the King's Dispensing Power; alledging Sir *Edward Hales* Case, (which the *Ld. Ch. Justice* told him was beside the Matter); Then he condemned the questioning of the Bishops Counsel of the King's Power, by referring themselves to the Declarations in Parliament, as if the King's Authority was under the Suffrages of a Parliament; that yet no such Declaration was produced, they being mistaken, and therefore it is in the nature of false News, which is a Crime for which the Law will punish them.

Then the *Ld. Ch. Justice* summ'd up the Evidence; and in conclusion gave his own Opinion, that the Bishops Petition was a Libel. Then

464 *The Trial of the Seven Bishops.*

Then Mr. Justice *Powel* gave his Reasons why he thought it no Libel, and that the King had no Dispensing Power.

Next Mr. Justice *Allybone* endeavoured to make out, and declared his Opinion that it was a Libel. [He refused to speak to the Prerogatives of the King, as the *Ld. Ch. Justice* had done before him.]

—Then Wine was sent for, for the Jury. — And upon request, they were allowed to have along with them a Copy of the Information, the Original Petition, and the Declarations under the Great Seal. But the Journals were not allowed them, Mr. Solicitor saying, they were no Evidence.

[Then the Court arose, and the Jury went together to consider of their Verdict, and staid together all Night, without Fire or Candle.]

On Saturday, *June 30. 1688.* about Ten of the Clock in the Morning, the Bishops came again into the Court, and immediately after the Jury were brought to the Bar. And their Appearance being taken, they delivered in their Verdict, *Not Guilty.* [At which there were several great Shouts in the Court, and throughout the Hall.]

Mr. Sol. Gen. taking notice of some Persons in the Court that shouted, moved very earnestly that they might be committed: Whereupon a Gentleman of *Grays-Inn* was laid hold on, but was soon after discharged. And after the shouting was over, the *Ld. Ch. Justice* reprov'd the Gentleman, saying, he was as glad as he could be that the Bishops were acquitted; but his manner of rejoicing here in Court was indecent; he might rejoice in his Chamber, or elsewhere, and not here.

Then asking Mr. Attorney if he had any thing more to say to the Bishops? He said, No.

[Then the Court arose, and the Bishops went away.]

F I N I S.



*To the King's most Excellent
Majesty, the humble Petition
of Algernon Sidney Esq;*

Sheweth,

THAT Your Petitioner, after a long and close Imprisonment, was, on the 7th Day of this Month, brought with a Guard of Souldiers into the *Palace-Yard*, upon an *Habeas Corpus* directed to the Lieutenant of the *Tower*, before any Indictment had been exhibited against him : But while he was there detained, a Bill was exhibited and found ; whereupon he was immediately carried to the *King's-Bench*, and there Arraigned. In this surprise, he desired a Copy of the Indictment, and leave to make his Exceptions, or to put in a Special Plea, and Counsil to frame it ; but all was denied him. He then offer'd a Special Plea ready ingrossed, which was also rejected without reading ; and being threatned, That if he did not plead, *GUILTY*, or *Not Guilty*, Judgment of High-
G g Treason

Treason should be entred, he was forced, contrary to Law (as he supposes) to come to a General Issue in pleading *Not Guilty*.

Novemb. 21. He was brought to his Trial, and the Indictment being so perplexed and confused, as neither He, nor any of his Friends that heard it, could fully comprehend the Scope of it : He was wholly unprovided of all the Helps that the Law allows to every Man for his Defence : Whereupon he did again desire a Copy, and produced an Authentick Copy of the Statute of the 46 *Edw. 3.* whereby it is Enacted, *That every Man shall have a Copy of any Record that touches him in any manner, as well that which is for, or against the King, or any other Person* ; but could never obtain a Copy of the Indictment, nor that the Statute should be read. The Jury by which he was tried, was not (as he is informed) summoned by the Bailiffs of the several Hundreds, after the usual and legal manner, but Names were agreed on by Mr. *Graham* and Mr. *Burton*, and the Under-Sheriff, and Directions given to the Bailiff to summon them ; and being all so chosen, a Copy of the Pannel was of no use to him. When they came to be called, he excepted against some for being your Majesty's Servants, which he hoped should not have been returned, when he was prosecuted at your Majesty's Suit ; many others for not being Free-holders : Which Exceptions he thinks were good in Law ; and others were lewd and infamous Persons, not fit to be of any Jury ; but all was over-ruled by the Lord Chief Justice, and your Petitioner forced to challenge them peremptorily, whom he found

found to be picked out, as most suitable to the Intentions of those who sought his Ruin; whereby he lost the Benefit allowed him by the Law, of making his Exceptions, and was forced to admit of Mechanick Persons, utterly unable to judge of such a Matter as was to be brought before them. This Jury being sworn, no Witness was produced, who fixed any Thing beyond Hear-say upon your Petitioner, except the Lord *Howard*, and them that swore to some Papers said to be found in his House, and offered as a second Witness, and written in a Hand like to that of your Petitioner.

Your Petitioner produced Ten Witnesses, most of them Men of Eminent Quality, the others of Unblemished Fame, to shew the Lord *Howard's* Testimony was inconsistent with what he had sworn before at the Trial of the Lord *Russel*, and declared under the same Religious Obligation of an Oath, as if it had been legally administered.

Your Petitioner did further endeavour to shew, That besides the Absurdity and Incongruity of his Testimony, he being guilty of many Crimes, which he did not pretend your Petitioner had any knowledge of; and having no other hope of Pardon, but by the *Drudgery of Swearing* against him, he deserved not to be believed: And similitude of Hands could be no Evidence, as was declared by the Lord Chief Justice *Keeling*, and the whole Court, in the Lady *Carr's* Case; so as that no Evidence remained against him.

But whosoever wrote those Papers, they were but a small Part of a Polemical Discourse, in Answer to a Book written about thirty Years ago, upon General Propositions applied to no Time, or any particular Case ; so that it was impossible to judg of any Part of it, unless the Whole did appear, which did not, the sense of such Parts as were not produced, could not be comprehended, unless the Whole had been read, which was deny'd. The Ink and Paper shewed them to be written many Years ago ; the Lord *Howard* not knowing of them, they could have no concurrence with what your Petitioner is said to have designed with him and others ; the Confusion and Errors in the Writing, shewed they had never been so much as review'd, and being written in a Hand that no Man could easily read, they were never fit for the Press, nor could be in some Years, though the Writer of them did intend it, which did not appear ; but they being the only present crude and private Thoughts of a Man, for the exercise of his own Understanding in his Studies, and never shewed to any, or applied to any particular Case, could not fall under the Statute of 25 *Edw.* 3. which takes Cognizance of no such Matter, and could not by construction be brought under it, such Matters being thereby reserved to the Parliament, and is declared in the *Proviso*, which he desired might be read, but was refused. Several Important Points of Law did hereupon emerge, upon which your Petitioner knowing his own Weakness, did desire that Counsel might be heard, or it might be reserved to be found

found especial ; but all was over-ruled by the Violence of the Lord Chief Justice, and your Petitioner so frequently interrupted, that the whole Method of his Defence was broken, and he not suffered to say the tenth Part of what he could have alledged in his Defence ; so the Jury was hurried into a Verdict which they did not understand.

Now, forasmuch as no Man that is oppressed in *England*, can have Relief, unless it be from your Majesty, your Petitioner humbly prays, that the Premisses considered, your Majesty would be pleased to admit him into your Presence ; and if he doth not shew that it is for your Majesty's Honour and Interest to preserve him from this sad Oppression, he will not complain though he be left to be destroyed.

*The Trial of Charles Bateman, Chirurgion,
At the Session's House in the Old-Bailly,
on Wednesday, Decemb. 9. 1685.*

HIS Indictment was for *High-Treason*, in conspiring the Death of the late King. To which (after some offer to have said something for himself, in order to put off his Trial, which Mr. Recorder would not admit of) he pleaded, *Not Guilty*. Then urging his unpreparedness, want of notice of his Trial, and great indisposedness, by reason of his close Imprisonment for ten Weeks, he desired his Trial might be put off; but it would not be granted.

His Jurors were,

*Richard Aley, Esq;
Richard Williams,
John Cannum,
Patrick Barret,
John Palmer,
James Raynor,*

*Edward Redish,
George Lilburn,
Daniel Fowls,
Peter Floyer,
Lawrence Cole,
John Cooper.*

To whom the Indictment being read, Mr. *Phips* (Counsel for the King) opened the Case, and was seconded by Mr. Serjeant *Selby*, and Mr. *Charles Moloy*.

Then

Then *Josias Keeling*, being called and sworn, deposed, in general, concerning his being at divers Meetings, wherein the Methods had been proposed about an Insurrection, and that the Prisoner was looked upon as a Person sitting to manage one Division in order thereto, &c. but could not particularly charge him with any thing upon his own knowledg.

Thomas Lee deposed, that *Mr. Goodenough* told him, The Prisoner was to manage one Division; and going to him about it from *Mr. Goodenough*, he plainly perceiv'd he was no stranger to it, nor bogled to give his Assent, and seem'd very desirous to speak with *Mr. Goodenough* about it. That going one day with the Prisoner to the late Duke of *Monmouth's* House, the Prisoner, after he had had some Discourse with one of the Duke's Servants, came to him and told him, the Duke was willing to engage in the Business, and assur'd him that he had divers Horfes kept in the Country, to be in a readiness when Matters should come to Extremity. That from thence going with him to the King's-Head Tavern, they had Discourse to the same effect there. That from thence to the Devil-Tavern, where the Prisoner proposed the seizing the *City, Tower, Savoy, White-Hall*, and the Person of the late King, and promised not to be wanting therein. That at another time, meeting him at the Half-Moon Tavern in *Aldersgate-street*, (the design of all which Meetings, was upon the account of carrying on the Conspiracy) and discoursing about the Condition the

Conspirators were in. As to the intended Insurrection, he said, *If he could but see a Cloud as big as a Man's Hand, he would not be wanting to employ his Interest.* That the Prisoner also had told him, that he intended to take an House near the *Tower*, to place Men in, in order to surprize it; to that end he held correspondence with some Sca-Captains, and that he had been with them at Coffee-Houses.

Mr. *Richard Goodenough* deposed, That being in company with the Prisoner, he had heard him approve of the Design, and promise to use his Interest in raising Men; and not only to be assisting in the Division allotted him, but in surprizing the *City, Savoy, &c.* and in driving the Guards out of Town.

Then the Prisoner called several Witnesses to invalidate *Lee's* Testimony. Sir *Robert Adams* testified to a false Report of his, about beating three Knights. Sir *Simon Lewis* was called to the same purpose, but appeared not. *James Child* could say nothing, but that *Lee* was an Honest Man. One *Baker* was also call'd, to testify that *Lee* would have suborned him against the Prisoner to his Prejudice, some Years since, of which he had made Affidavit before Sir *William Turner*: But *Baker* not appearing, Sir *William Turner* was desired to give account of it; but it being above two Years since, he could not remember such Particulars: His Clerk, Mr. *Donkins*, remembred such an Affidavit was made in 1682, which mention'd Mr. *Lee*; but to the best of his remembrance, it was returned
before

before the King and Council, and he could not give any account of the Particulars.

Mr. *Bateman* then desiring to know upon what Statute he was Indicted, and (being assisted by his Son, by reason of his Incapacity) making little more Defence, the Ld. Ch. Justice of the *King's-Bench* summ'd up the Evidence ; and other Prisoners were tried : and just before the Jury went out, the aforesaid *Baker* being found, with much ado it was obtain'd, that he should give in his Evidence ; which was, That *Lee* perswaded him to intrude himself into the Prisoner's Company, and some others, and to discourse of State-Affairs, by which means he would find a way to make him a Man ; of which he had made Affidavit before Sir *William Turner*. But this the Court interpreted to *Lee's* Advantage, as if he only thereby designed to make a discovery of the Plot, and so have got a further Evidence to corroborate his own ; reflecting on *Baker* as a broken Fellow, &c.

After which the Jury withdrawing for half an hour, brought the Prisoner in *Guilty*. And accordingly he being brought again to the Bar, on Friday following, Mr. Recorder sentenc'd him to be *Drawn, Hang'd, and Quarter'd* ; which was executed upon him at *Tyburn*, on Friday, Decemb. 18th following.

The

The Trial of John Hambden, Gent. At the Session's-House in the Old-Baily, on Wednesday, Decemb. 30. 1685.

THen and there the Prisoner appearing, and the grand Jury for the County of *Middlesex* call'd over, his Indictment was read ; which was for *High-Treason*, in conspiring the Death of the late King, and raising a Rebellion in this Kingdom.

To which (before Mr. *Hambden* pleaded) he intimated his having been tried for the same Fact above two Years ago ; and withal, gave the Lord Chief Justice to understand, that he thought he had as much to say, in Point of Law, for himself, as any Prisoner that ever came before him ; but that he was resolved to pass by all Pleas whatsoever, and cast himself wholly upon the King's Mercy.

The Lord Chief Justice told him, his former Indictment was for *High-Misdemeanour*, but this for *High-Treason*, and therefore a different Fact, requiring him therefore to plead.

Then he pleaded *Guilty* to the Indictment, requesting his Lordship's Intercession for him with the King : Which was readily enough granted.

granted ; and the Method he was perswaded to take highly approved, as answering the Design of giving Life and Credit to the *Fanatick Plot*, and gratifying the Importunity (possibly) of some Great Ones.

However, the dismal Sentence of Death was by Mr. Recorder, pronounced upon him, due to *High-Treason* ; yet not without a shew of Tendernefs, and some encouragement of an Obligation this brave Person had hereby merited with them ; This getting a Pardon, when nothing else must.

Books



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Scotland 1688, 1689.*

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try's Invitation of the Prince of *Orange* into *Eng-
land*; Being a *Memorial* from the English Protestants con-
cerning their Grievances; with a large account of the Birth
of the Prince of *Wales*: presented to their Highnesses the
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France and *Rome* are plainly Delineated. With a large Pre-
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scurely foretold to their Majesties *William* the 3d, and Queen
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tremes.

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ment,

Books lately printed

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A Seasonable Treatise; wherein is proved, That King William (commonly called the Conqueror) did not get the Imperial Crown of England by the Sword, but by the Election and Consent of the People. To whom he swore to observe the Original Contract between King and People.

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A Brief Vindication of the Parliamentary Proceedings against the late King *James* the Second : Proving that the Right of Succession (by nearness of Blood) is not by the Law of God, or Nature, but by Politick Institution. With several Instances of deposing Evil Princes ; shewing that no Prince hath any Title Originally, but by the Consent of the People.

The Dying Speeches of several Excellent Persons who suffered for their Zeal against Popery and Arbitrary Government, in the Reigns of King *Charles* the Second, and King *James* the Second.

Ireland's Lamentation : Being a Short, but Perfect, Full, and true Account of the Situation, Nature, Constitution and Product of *Ireland*. With an Impartial Historical Relation of the most Material Transactions, Revolutions, and miserable Sufferings of the Protestants there, from the Death of King *Charles* the Second, to the latter end of *April*, 1689. The Time and Manner of the late King's Landing there: What Men, Monies, Shipping, Arms and Ammunition he brought with him. The Manner of his going up, and into *Dublin* : His Kneeling to the Host : Displacing all Protestants : The Strength and Defeat of his Army, and what else is of Note. To which is added, A Letter from a Lieutenant in the Irish Army, dated at *Dublin May 7*. with an Account of Affairs to that Time.

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Oct

AN EXACT
ABRIDGMENT
Of all the ⁴³ *R-12-8*
TRIALS

(Not omitting any Material
P A S S A G E therein) which
have been published since
the Year 1678;

Relating to the **P**opish, and pre-
tended **P**rotestant-Plots,

In the Reigns of King *Charles* the 2^d,
and King *James* the 2^d.

L O N D O N,

Printed by *J. D.* for *Jonathan Robinson*
at the Golden-Lion in *St. Paul's*
Church-Yard, MDCXC.

AN EXACT
ABRIDGMENT
Of all the
TRIALS



01:9891

L O W D O N

Printed by J. O. for Jonathan Robinson
at the Golden-Lion in St. Pauls
Church-Yard, MDCXC.

To the Right Honourable

HENRY

LORD BOOTH,

Baron **DE LA MER**

of *Dunham-Massy,*

Lord Lieutenant of the County-Palatine of *Chester*, one of the Lords of the *Treasury*, and one of his Majesty's most Honourable *Privy-Council.*

My Lord,

That I presume to present this *Abstract* to your Honour, the just Interest your

A 3

Lord:

The Epistle

Lordship hath, both in *it* and its *Author*, is sufficient *Apo-*
logy.

It must never be forgot, what good Service Your Trial (through Your own extraordinary Prudence, and courageous management thereof) did to the Publick, in stopping that Sluce of Blood which had unjustly been then opened, with a Design (which had well-nigh effected) to suffocate our *Laws*, and feed their *Tyrannical Arbitrary Power*. For 'tis evident, the *Fanatick Plot*, then, like them that made it, afterward, disserted the Stage, and

Dedictory.

and (through your Honour's
undaunted Appearance, and
powerful Aid) have never
since (as 'tis hoped they ne-
ver will) dare to appear a-
mongst us; the unavoidable
Mischief whence otherwise
would have followed, most
Men now are wise enough to
apprehend.

Your Lordship's Vertues
indeed, have always (from a
very early beginning) rendered
You a no less real Friend to
your Country, than a formi-
dable Enemy to the mightiest
of its Opposers: And Your
generous Courage hath em-
bol-

"be taken off but by Act of Parliament.—
 "That therefore they are preparing a Bill to
 "indemnify them from the Penalties they have
 "now incurred: And because the continuance
 "of them in their Employments, may be taken
 "to be a dispensing with that Law without Act
 "of Parliament; the Consequence of which is
 "of the greatest Concern to the Rights of all
 "his Majesty's Subjects, and to all the Laws made
 "for the Security of their Religion: They
 "therefore do beseech him, he would be gra-
 "ciously pleased to give such Directions therein,
 "that no Apprehensions or Jealousies may re-
 "main in the Hearts of his Subjects.

After this, that forecited Clause of the Sta-
 tute 1. Eliz. was read, and then Mr. Serj. Le-
 vinz spoke to this effect; That the Charge be-
 ing for a Libel, it ought to be consider'd, Whe-
 ther the Bishops did deliver this Paper to the
 King? of which there has been no direct Proof;
 (Publishing he would not talk of, because there
 has been no proof of a Publication); or sup-
 posing they did deliver it, Whether this be a Li-
 bel upon the Matter of it, the Manner of de-
 livering it, or the Persons that did it?—He said
 it was no Libel,—taking notice of the disinge-
 nuity offered the Bishops, in only setting forth
 part, and not the whole.—Affirming, that the
 Subjects have a Right to Petitioning in all their
 Grievances;—That this was a Grievance the
 Bishops petitioned against, it being what the
 Law, neither Common, nor Act of Parlia-
 ment, allowed of;—And therefore the Bi-
 shops could not be guilty of the Charge.

Then Mr. Finch spoke briefly again, making a
 Challenge

Challenge to shew any one Instance of such a Declaration, such a general Dispensation of Laws from the Conquest, till 1672.—Leaving their Cause upon this Point; That to suspend Laws, is to abrogate them; and that to abrogate Laws is part of the Legislature, which Power is lodged in King, Lords, and Commons.

To which Sir *Robert Sawyer* added, That he found few Attempts of this Nature in any Kings Reign. In the Reign of *Henry the 4th*, there was an Act of Parliament that Foreigners should have a free Trade in *London*, notwithstanding the Franchises of the City. After the Parliament rose, the King issued out his Proclamation, forbidding the execution of that Law, and commanding that it should be in suspense till the next Parliament; yet that was held to be against Law. Then he mentioned another Case, upon the Statute of 31. *Hen. 8.* cap. 8. which enables the King, by Proclamation, in many Cases, to create the Law; which Statute was repealed by 1. *Edw. 6.* cap. 12. That very Act reciting, that the Law is not to be altered, or restrained, but by Act of Parliament.—

Then Mr. *Sammers* (of Counsel also for the Bishops) mentioned the Case of *Thomas* and *Sorrel* upon the Validity of a Dispensation of the Statute of *Edward the 6th*, touching selling of Wine. Where it was the Opinion of every one of the Judges, and they did lay it down as a settled Position, that there never could be a Suspension of an Act of Parliament, but by the Legislative Power.—Affirming, that the Matters of Fact alledged in the Bishops Petition, had been proved perfectly true by the Journals
of

of both Houses. That there could be no Design thereby to diminish the King's Prerogative, because he had none such; That the Petition could not be *Seditious*, nor stir up Sedition, because it was presented to the King, in private and alone; *False* it could not be, because the Matter of it is True. There could be nothing of *Malice*, because the Occasion was not sought; the Thing was pressed upon them; and a *Libel* it could not be, because the Intent was innocent, and they kept within the Bounds set by the Act of Parliament, that gives the Subject leave to petition his Prince, when he is grieved.

Here the Bishops Counsel saying they had done, Mr. Attorn. Gen. spoke for the King; Alledging that the Records produced were nothing to the purpose, because they were only Matters transacted in Parliament, and not Acts of Parliament.—That be their Libel never so true, yet still it was Libellous.—That though the Subject may petition the King, yet not in such reflecting Terms. And though Religion was concerned, yet ought not illegal Means be made use of;—That therefore the Bishops ought rather to have acquiesced under their Passive Obedience till the Parliament met, which the King had promised in his Declaration should be in *November*.

Then Mr. Sol. Gen. in a long Speech added, That the Bishops had no right of Petitioning out of Parliament; and therefore the Proceedings in Parliament which had been produced were not to the purpose. [*Here Mr. Justice Powell expressed his dislike of this Doctrine aside to the* Ld. Ch. Justice, *who concurred with him.*] Going
on

on to prove from the Statute 1 *Hen. 4.* that there ought to have been no Complaint made till it had come from the Commons in Parliament; that the Law continued so till the 3 *Hen. 7.* where the Grievance was found, that Offences in the Intervals of Parliament could not be well punished; and then comes the Statute that sets up the Court of Star-Chamber; which yet was abolished by the Statute of the 15 *Car. 1.*—That the Proceedings of Parliament produced were no Declarations of Parliament, (because never passed into an Act) and therefore they are Nullities, and cannot be accepted of as any Evidence. [*Here again the Ld. Ch. Justice, and Mr. Justice Powel discours'd aside, saying, he thought to impose upon them, but they believed not one word he said.*] Then he appealed to the Case in the 2 *Cro. 2. Jac. 1.* Where it is asserted, That the King may make Orders and Constitutions in Matters Ecclesiastical.—And the Case of *De Libellis Famosis*, which says, in the 5th Report, If a Person does a thing that is Libellous, you shall not examin the Fact, but the Consequence.—And therefore if the King hath a Power to make Orders in matters Ecclesiastical, and do so; if any bring that Power into Question, that is Sedition; and the Legality or Illegality of the Order ought not to be examined.—Whence he doubted not but they had here a good Case for the King, and that the Jury would give them a Verdict.

Then Mr. Justice *Holloway* asking him, What the Bishops could have done in this Case, if they might not Petition? he answered, That they should have acquiesced till the meeting of the
the

the Parliament [*At which some People in the Court hissed.*] Adding, that it was one thing for a Man to submit to his Prince, where he cannot obey him, and another thing to affront him; this being Libelling with a Witness.

To which the Ld. Ch. Justice said, That he was of Opinion that the Bishops might Petition the King, though out of Parliament, but not in such a Reflective manner, because that would make the Government very Precarious.—But Mr. Justice *Powel* told Mr. Sol. Gen. it would have been too late to stay for a Parliament; and if the Bishops had disobeyed without Petitioning, it would have looked like a piece of Sullenness, and they would have been blamed for it as much on the other side.

Mr. Serj. *Baldock* then spoke also for the King; insisting on the Disobedience of the Bishops to the King, who is their Supreme Ordinary, they being not commanded to read it themselves, but only to distribute them to be read; and their giving Reasons for their Disobedience in a Libellous Petition, charging the King with an illegal Act, reflecting upon his Prudence, Justice, and Honour, in laying his Commands upon them; which being done by Bishops, and having an Universal influence upon all the People, he left it to his Lordship and Jury, whether they ought not to answer for it.

Then Sir *Barth. Shore* (the Recorder) spoke on the same Side, saying, He thought the Information proved, for that no Answer had been made to it; The Answer made being but Argumentative, and taken either from the Persons of the Defendants, as Peers, (who could have

no

no right to Petition libellously) or from the Form of it's being a Petition, which could no more excuse them, if it were scandellous, than any other. The Author of *Julian the Apostle* having as much right to publish his Book, as the Bishops had to deliver this Libel to the King. [*For which comparison he was checked by Mr. Justice Powel, who told him, it was the Birth-right of the Subject to Petition.*] And that it was as lawful for the City of *London* to Petition for the Sitting of a Parliament, as it was for the Bishops to give Reasons for their Disobedience to the King's Command. And if their Petition was reckoned Libellous, in saying that what the King had done in Dissolving the Parliament, was an Obstruction of Justice; what other Construction can be made of the Bishops saying, that the King's Declaration is illegal? And if they were so severely punished as to lose their Charter for what they did, the Bishops ought to have the like Condemnation.

Then Mr. Serj. *Trinder* spoke in defence of the King's Dispensing Power; alledging Sir *Edward Hales* Case, (which the Ld. Ch. Justice told him was beside the Matter); Then he condemned the questioning of the Bishops Counsel of the King's Power, by referring themselves to the Declarations in Parliament, as if the King's Authority was under the Suffrages of a Parliament; that yet no such Declaration was produced, they being mistaken, and therefore it is in the nature of false News, which is a Crime for which the Law will punish them.

Then the Ld. Ch. Justice summ'd up the Evidence; and in conclusion gave his own Opinion, that the Bishops Petition was a Libel. Then

464 *The Trial of the Seven Bishops.*

Then Mr. Justice *Powel* gave his Reasons why he thought it no Libel, and that the King had no Dispensing Power.

Next Mr. Justice *Allybone* endeavoured to make out, and declared his Opinion that it was a Libel. [He refused to speak to the Prerogatives of the King, as the *Ld. Ch. Justice* had done before him.]

— *Then Wine was sent for, for the Jury.* — And upon request, they were allowed to have along with them a Copy of the Information, the Original Petition, and the Declarations under the Great Seal. But the Journals were not allowed them, Mr. Solicitor saying, they were no Evidence.

[Then the Court arose, and the Jury went together to consider of their Verdict, and staid together all Night, without Fire or Candle.]

On Saturday, *June 30. 1688.* about Ten of the Clock in the Morning, the Bishops came again into the Court, and immediately after the Jury were brought to the Bar. And their Appearance being taken, they delivered in their Verdict, *Not Guilty.* [At which there were several great Shouts in the Court, and throughout the Hall.]

Mr. Sol. Gen. taking notice of some Persons in the Court that shouted, moved very earnestly that they might be committed: Whereupon a Gentleman of *Grays-Inn* was laid hold on, but was soon after discharged. And after the shouting was over, the *Ld. Ch. Justice* reproved the Gentleman, saying, he was as glad as he could be that the Bishops were acquitted; but his manner of rejoicing here in Court was indecent; he might rejoice in his Chamber, or elsewhere, and not here.

Then asking Mr. Attorney if he had any thing more to say to the Bishops? He said, No.

[Then the Court arose, and the Bishops went away.]

F I N I S.

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*Proceedings in the Court of King's-Bench,
against Mr. James Holloway, April 21.
1684.*

James Holloway of Bristol, being fled out of England, was Indicted for High-Treason, for Conspiring the Death of the King, and subversion of the Government, &c. And not appearing to Answer the Indictment, was thereupon outlawed, and being discovered by his Factor at Nevis, to whom he had written about his Effects there, was taken at St. Eustatia, one of the Caribbe Islands, by the Deputy-Governour of St. Christophers, and sent into England, and there Committed to Newgate; and upon Monday, the 21st of April 1684. was brought from thence, by Habeas-Corpus to the Bar at the King's-Bench at Westminster; where being Arraign'd, he was told of his being Indicted and Outlaw'd, and thereby Attainted for High-Treason, and ask'd what he had to say, why Execution should not be awarded against him upon that Attainder? To which he reply'd, that since he had made an Ingenuous Confession to his Majesty of all that he knew of any manner of Conspiracy against him, he hoped *That* would render him Capable of Mercy and Pardon. Upon which the Attorney-General offer'd him a Trial, that if he had any thing to say, he might Defend himself.

himself from the Indictment; but he Confessing himself Guilty of many things therein, declin'd it, and threw himself wholly upon the King's Mercy. But the Court telling him, that the King was the Dispenser of his own Mercy, and that they were only to Execute his Justice, gave a Rule for his Execution upon Wednesday Sevensight after, there being no other Judgment to be pronounced in such Cases, as the Court told the Attorney-General when he moved for it, the Outlawry it self being the Judgment. Which accordingly was Executed upon him, on Wednesday the 30th of April, 1684. at Tyburn.

Proceedings in the Court of King's-Bench, against Sir Thomas Armstrong, June 14. 1684. Sir George Jefferies being Lord Chief Justice.

SIR *Thomas Armstrong* Kt. was upon the 14th of June, 1684. brought by a Writ of *Habeas-Corpus* from *Newgate*, to the Bar of the Court of *King's-Bench* at *Westminster*, and there Arraign'd upon an Outlawry of High-Treason, for conspiring the Death of the King, &c. And being ask'd what he had to say for himself, why Sentence should not be awarded against him upon that Attainder? pleaded his being beyond-Sea at the time of the Outlawry, and desired to be

be tried upon the Indictment : Which the Court refusing to grant him, he pleaded the Statute of the 6th of *Edm.* the 6th, which gives the Person Outlaw'd a Year's time to reverse the Outlawry, and desired it might be read ; which accordingly was done : But it appearing by the Statute, *That the Person Outlaw'd ought to render himself to the Chief Justice of England within a Year's time ;* Sir *Thomas* was told this did not concern him, for he had not *rendred* himself, but was taken and brought thither against his Will : To which he answered, That the Year was not then expir'd, he was there, and did now *render* himself, and pray'd Counsel might be assign'd him to argue it in Point of Law : but the Court over-rul'd him in it, telling him, *There was no such Doubt or Difficulty in the Matter as to need any such thing.* Upon which, insisting much upon his Innocency, and offering to make proof of it, if he might be admitted to a Trial ; he produc'd *Holloway's* Case as a Precedent for it, who had but a little before been offer'd it at the same Place : but the Court told him, that what had been done therein, was meerly from the King's *Grace and Mercy*, and that the King might extend the same *Mercy* to him also if he so pleas'd ; but since he had not done so, and it not being their Business, they must proceed to award Execution upon the Outlawry. Upon which Mrs. *Matthews*, Daughter to the Prisoner, call'd out to the Court, *not to Murder her Father.* For which the Chief Justice caus'd her to be committed to the Marshal, and accordingly she (*wishing that*

that God Almighty's Judgments might light upon them) was carried away, the Chief Justice saying, That he thanked God he was Clamour-proof. After which the Attorn. Gen. offered to shew the Reasons why the King extended that *Grace* to *Holloway*, but ought not to extend it to Sir *T. A.* as not at all deserving any sort of Indulgence or Mercy; but that having relation to the Evidence, and not to the Outlawry, the Court refus'd to hear any thing of it, and so proceeded to give a Rule for his Execution the Friday following; telling him, upon his earnest pressing to have the Benefit of the Statute he had cited, that *he should have the Full Benefits of the Law*: And accordingly on Friday the 20th of June, he was Executed at *Tyburn*; Mrs. *Mathews*, upon a Petition, being before releas'd out of Custody without Fees,

(1)

APPENDIX.

*To the King's most Excellent
Majesty, the humble Petition
of Algernon Sidney Esq;*

Sheweth,

THAT Your Petitioner, after a long and close Imprisonment, was, on the 7th Day of this Month, brought with a Guard of Souldiers into the *Palace-Yard*, upon an *Habeas Corpus* directed to the Lieutenant of the *Tower*, before any Indictment had been exhibited against him: But while he was there detained, a Bill was exhibited and found; whereupon he was immediately carried to the *King's-Bench*, and there Arraigned. In this surprise, he desired a Copy of the Indictment, and leave to make his Exceptions, or to put in a Special Plea, and Counsel to frame it; but all was denied him. He then offer'd a Special Plea ready ingrossed, which was also rejected without reading; and being threatned, That if he did not plead, *Guilty*, or *Not Guilty*, Judgment of High-
G g Treason

Treason should be entred, he was forced, contrary to Law (as he supposes) to come to a General Issue in pleading *Not Guilty*.

Novemb. 21. He was brought to his Trial, and the Indictment being so perplexed and confused, as neither He, nor any of his Friends that heard it, could fully comprehend the Scope of it : He was wholly unprovided of all the Helps that the Law allows to every Man for his Defence : Whereupon he did again desire a Copy, and produced an Authentick Copy of the Statute of the 46 *Edw. 3.* whereby it is Enacted, *That every Man shall have a Copy of any Record that touches him in any manner, as well that which is for, or against the King, or any other Person ;* but could never obtain a Copy of the Indictment, nor that the Statute should be read. The Jury by which he was tried, was not (as he is informed) summoned by the Bailiffs of the several Hundreds, after the usual and legal manner, but Names were agreed on by Mr. *Graham* and Mr. *Burton*, and the Under-Sheriff, and Directions given to the Bailiff to summon them ; and being all so chosen, a Copy of the Pannel was of no use to him. When they came to be called, he excepted against some for being your Majesty's Servants, which he hoped should not have been returned, when he was prosecuted at your Majesty's Suit ; many others for not being Free-holders : Which Exceptions he thinks were good in Law ; and others were lewd and infamous Persons, not fit to be of any Jury ; but all was over-ruled by the Lord Chief Justice, and your Petitioner forced to challenge them peremptorily, whom he found

found to be picked out, as most suitable to the Intentions of those who sought his Ruin; whereby he lost the Benefit allowed him by the Law, of making his Exceptions, and was forced to admit of Mechanick Persons, utterly unable to judge of such a Matter as was to be brought before them. This Jury being sworn, no Witness was produced, who fixed any Thing beyond Hear-say upon your Petitioner, except the Lord *Howard*, and them that swore to some Papers said to be found in his House, and offered as a second Witness, and written in a Hand like to that of your Petitioner.

Your Petitioner produced Ten Witnesses, most of them Men of Eminent Quality, the others of Unblemished Fame, to shew the Lord *Howard's* Testimony was inconsistent with what he had sworn before at the Trial of the Lord *Russel*, and declared under the same Religious Obligation of an Oath, as if it had been legally administred.

Your Petitioner did further endeavour to shew, That besides the Absurdity and Incongruity of his Testimony, he being guilty of many Crimes, which he did not pretend your Petitioner had any knowledg of; and having no other hope of Pardon, but by the *Drudgery of Swearing* against him, he deserved not to be believed: And similitude of Hands could be no Evidence, as was declared by the Lord Chief Justice *Keeling*, and the whole Court, in the Lady *Carr's* Case; so as that no Evidence remained against him.

But whosoever wrote those Papers, they were but a small Part of a Polemical Discourse, in Answer to a Book written about thirty Years ago, upon General Propositions applied to no Time, or any particular Case; so that it was impossible to judg of any Part of it, unless the Whole did appear, which did not, the sense of such Parts as were not produced, could not be comprehended, unless the Whole had been read, which was deny'd. The Ink and Paper shewed them to be written many Years ago; the Lord *Howard* not knowing of them, they could have no concurrence with what your Petitioner is said to have designed with him and others; the Confusion and Errors in the Writing, shewed they had never been so much as review'd, and being written in a Hand that no Man could easily read, they were never fit for the Press, nor could be in some Years, though the Writer of them did intend it, which did not appear; but they being the only present crude and private Thoughts of a Man, for the exercise of his own Understanding in his Studies, and never shewed to any, or applied to any particular Case, could not fall under the Statute of 25 *Edw.* 3. which takes Cognizance of no such Matter, and could not by construction be brought under it, such Matters being thereby reserved to the Parliament, and is declared in the *Proviso*, which he desired might be read, but was refused. Several Important Points of Law did hereupon emerge, upon which your Petitioner knowing his own Weakness, did desire that Counsel might be heard, or it might be reserved to be found

found especial ; but all was over-ruled by the Violence of the Lord Chief Justice, and your Petitioner so frequently interrupted, that the whole Method of his Defence was broken, and he not suffered to say the tenth Part of what he could have alledged in his Defence ; so the Jury was hurried into a Verdict which they did not understand.

Now, forasmuch as no Man that is oppressed in *England*, can have Relief, unless it be from your Majesty, your Petitioner humbly prays, that the Premisses considered, your Majesty would be pleased to admit him into your Presence ; and if he doth not shew that it is for your Majesty's Honour and Interest to preserve him from this sad Oppression, he will not complain though he be left to be destroyed.

**The Trial of Charles Bateman, Chirurgion,
At the Session's-House in the Old-Baily,
on Wednesday, Decemb. 9. 1685.**

HIS Indictment was for *High-Treason*, in conspiring the Death of the late King. To which (after some offer to have said something for himself, in order to put off his Trial, which Mr. Recorder would not admit of) he pleaded, *Not Guilty*. Then urging his unpreparedness, want of notice of his Trial, and great indisposedness, by reason of his close Imprisonment for ten Weeks, he desired his Trial might be put off; but it would not be granted.

His Jurors were,

*Richard Aley, Esq;
Richard Williams,
John Cannum,
Patrick Barret,
John Palmer,
James Raynor,*

*Edward Redish,
George Lilburn,
Daniel Fowls,
Peter Floyer,
Lawrence Cole,
John Cooper.*

To whom the Indictment being read, Mr. *Phips* (Counsel for the King) opened the Case, and was seconded by Mr. Serjeant *Selby*, and Mr. *Charles Moloy*.

Then

Then *Josiah Keeling*, being called and sworn, deposed, in general, concerning his being at divers Meetings, wherein the Methods had been proposed about an Insurrection, and that the Prisoner was looked upon as a Person fitting to manage one Division in order thereto, &c. but could not particularly charge him with any thing upon his own knowledg.

Thomas Lee deposed, that *Mr. Goodenough* told him, The Prisoner was to manage one Division; and going to him about it from *Mr. Goodenough*, he plainly perceiv'd he was no stranger to it, nor bogled to give his Assent, and seemed very desirous to speak with *Mr. Goodenough* about it. That going one day with the Prisoner to the late Duke of *Monmouth's* House, the Prisoner, after he had had some Discourse with one of the Duke's Servants, came to him and told him, the Duke was willing to engage in the Business, and assur'd him that he had divers Horses kept in the Country, to be in a readiness when Matters should come to Extremity. That from thence going with him to the King's-Head Tavern, they had Discourse to the same effect there. That from thence to the Devil-Tavern, where the Prisoner proposed the seizing the City, Tower, Savoy, White-Hall, and the Person of the late King, and promised not to be wanting therein. That at another time, meeting him at the Half-Moon Tavern in *Aldersgate-street*, (the design of all which Meetings, was upon the account of carrying on the Conspiracy) and discoursing about the Condition the

Conspirators were in. As to the intended Insurrection, he said, *If he could but see a Cloud as big as a Man's Hand, he would not be wanting to employ his Interest.* That the Prisoner also had told him, that he intended to take an House near the Tower, to place Men in, in order to surprize it; to that end he held correspondence with some Sea-Captains, and that he had been with them at Coffee-Houses.

Mr. Richard Goodenough deposed, That being in company with the Prisoner, he had heard him approve of the Design, and promise to use his Interest in raising Men; and not only to be assisting in the Division allotted him, but in surprizing the City, Savoy, &c. and in driving the Guards out of Town.

Then the Prisoner called several Witnesses to invalidate Lee's Testimony. Sir Robert Adams testified to a false Report of his, about beating three Knights. Sir Simon Lewis was called to the same purpose, but appeared not. James Child could say nothing, but that Lee was an Honest Man. One Baker was also call'd, to testify that Lee would have suborned him against the Prisoner to his Prejudice, some Years since, of which he had made Affidavit before Sir William Turner: But Baker not appearing, Sir William Turner was desired to give account of it; but it being above two Years since, he could not remember such Particulars: His Clerk, Mr. Tomkins, remembered such an Affidavit was made in 1682, which mention'd Mr. Lee; but to the best of his remembrance, it was returned before

before the King and Council, and he could not give any account of the Particulars.

Mr. *Bateman* then desiring to know upon what Statute he was Indicted, and (being assisted by his Son, by reason of his Incapacity) making little more Defence, the *Ld. Ch. Justice* of the *King's-Bench* summ'd up the Evidence; and other Prisoners were tried: and just before the Jury went out, the aforesaid *Baker* being found, with much ado it was obtain'd, that he should give in his Evidence; which was, That *Lee* perswaded him to intrude himself into the Prisoner's Company, and some others, and to discourse of State-Affairs, by which means he would find a way to make him a Man; of which he had made Affidavit before *Sir William Turner*. But this the Court interpreted to *Lee's* Advantage, as if he only thereby designed to make a discovery of the Plot, and so have got a further Evidence to corroborate his own; reflecting on *Baker* as a broken Fellow, &c.

After which the Jury withdrawing for half an hour, brought the Prisoner in Guilty. And accordingly he being brought again to the Bar, on Friday following, Mr. Recorder sentenc'd him to be Drawn, Hang'd, and Quarter'd; which was executed upon him at Tyburn, on Friday, Decemb. 18th following.

The Trial of John Hambden, Gent. At the Session's-House in the Old-Baily, on Wednesday, Decemb. 30. 1685.

Then and there the Prisoner appearing, and the grand Jury for the County of *Middlesex* call'd over, his Indictment was read; which was for *High-Treason*, in conspiring the Death of the late King, and raising a Rebellion in this Kingdom.

To which (before Mr. *Hambden* pleaded) he intimated his having been tried for the same Fact above two Years ago; and withal, gave the Lord Chief Justice to understand, that he thought he had as much to say, in Point of Law, for himself, as any Prisoner that ever came before him; but that he was resolved to pass by all Pleas whatsoever, and cast himself wholly upon the King's Mercy.

The Lord Chief Justice told him, his former Indictment was for *High-Misdemeanour*, but this for *High-Treason*, and therefore a different Fact, requiring him therefore to plead.

Then he pleaded *Guilty* to the Indictment, requesting his Lordship's Intercession for him with the King: Which was readily enough granted

granted ; and the Method he was perswaded to take highly approved, as answering the Design of giving Life and Credit to the *Fanatick Plot*, and gratifying the Importunity (possibly) of some Great Ones.

However, the dismal Sentence of Death was by Mr. Recorder, pronounced upon him, due to *High-Treason* ; yet not without a shew of *Tenderness*, and some encouragement of an Obligation this brave Person had hereby merited with them ; This getting a Pardon, when nothing else must.

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